



Arlington Conservation Commission

Date: Thursday, May 6, 2021

Time: 7:30 PM

Location: Conducted by Remote Participation

Please note: The listing of matters are those reasonably anticipated which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.

Agenda

1. Administrative

- a. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the May 6, 2021 public meeting of the Arlington Conservation Commission shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom.

Topic: Conservation Commission Meeting

Time: May 6, 2021 07:30 PM Eastern Time (US and Canada)

Register in advance for this meeting:

[https://town-arlington-ma-](https://town-arlington-ma-us.zoom.us/meeting/register/tJUkdumsrz0rGtYqlwmMTiVxDDHdYWUPBZca)

[us.zoom.us/meeting/register/tJUkdumsrz0rGtYqlwmMTiVxDDHdYWUPBZca](https://town-arlington-ma-us.zoom.us/meeting/register/tJUkdumsrz0rGtYqlwmMTiVxDDHdYWUPBZca)

Members of the public are strongly encouraged to send written comment regarding any of the hearings listed below to Conservation Agent Emily Sullivan at esullivan@town.arlington.ma.us.

Please read Governor Baker's Executive Order Suspending Certain Provision of Open Meeting Law for more information regarding virtual public hearings and meetings: <https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>

- b. Review draft 04/15/2021 minutes
- c. Discuss updates to the Thorndike Place comprehensive permit application.
- d. Project updates: 47 Spy Pond Lane, Spy Pond Sand Bar, the Reservoir

2. Discussion

- a. **11 Norton Road: Amendment to Approved Restoration Plan
MassDEP File #201-1190 (Lexington)**

This project proposed to raze and rebuild a single-family dwelling abutting Arlington's Great Meadows. The project also included additional habitat restoration and native plantings on AGM property. The Applicant is requesting a minor modification to the habitat restoration to

8:40pm	move three boulders deeper into the AGM property. Although not permitted by the Arlington Conservation Commission, the project was permitted by the Lexington Conservation Commission. As part of the permitting process, the Applicant consulted with the Arlington Conservation Commission at its 08/06/2020 meeting to determine the scope of the mitigation plantings on AGM property.
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b. **1165R Mass Ave 40B: Discussion on Proposed Ryder Brook Relocation**

9:00pm	The Commission will discuss the proposed relocation of Ryder Brook and whether it should be a Resource Area or have another legal mechanism of protection.
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3. Hearings

Request for Certificate of Compliance

**Request for Certificate of Compliance: 1297 Mass Ave
MassDEP File #091-0321**

The project as approved involved: (1) remediating contaminated soil from a kitchen grease oil spill by removing and replacing the contaminated soil; (2) removing one existing tree and replacing it with two native trees; (3) restoring the area with native plantings; and (4) constructing two new traffic bollards behind the grease container to prevent future spills. The project site is located within the 200-ft riverfront area and 100-ft wetlands buffer of Mill Brook. The project was approved on 6/9/2020.

Notice of Intent

**Notice of Intent: 102-104 Milton Street
MassDEP File #unassigned**

This project proposes to construct an addition to a 2-family dwelling and conduct site work within the floodplain of Alewife Brook.

Notice of Intent

**Notice of Intent: 55 Orient Ave
MassDEP File #unassigned**

This project proposes to construct an addition to a single-family dwelling within the 100-ft wetlands buffer of an isolated vegetated wetland.



Town of Arlington, Massachusetts

Review draft 04/15/2021 minutes

Summary:

Review draft 04/15/2021 minutes

ATTACHMENTS:

Type	File Name	Description
Minutes	04152021_Minutes_Conservation_Commission.pdf	Draft 04/15/2021 minutes



Arlington Conservation Commission

Date: April 15, 2021

Time: 7:30pm

Location: Conducted through Remote Participation using Zoom

Minutes

Attendance: Commission Members Susan Chapnick (Chair), Mike Gildesgame, Pam Heidell, Dave Kaplan, Chuck Tirone (Vice Chair), and David White; Associate Commissioner Cathy Garnett; and Conservation Agent Emily Sullivan. Commissioner Nathaniel Stevens and Associate Commissioner Doug Kilgour were not in attendance. Members of the public included Dan Wells (1165R Mass Ave 40B), Mary O'Connor (1165R Mass Ave 40B), Randy Miron (1165R Mass Ave 40B), Daniel St Clair (1165R Mass Ave 40B), Julia Mirak (1165R Mass Ave 40B), Dave Crowley, Hugo Arloro, and Mariah Contreras.

04/01/2021 Meeting Minutes

The Commission discussed edits to the draft 04/01/2021 minutes. D. White motioned to approve the minutes as edited, M. Gildesgame seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, M. Gildesgame voted yes, P. Heidell voted yes, D. Kaplan votes yes, C. Tirone voted yes, and D. White voted yes.

Request for Certificate of Compliance: 46 Spy Pond Parkway (continued)

MassDEP File #091-0300

Documents Reviewed:

- 1) *46 Spy Pond Parkway NOI*
- 2) *46 Spy Pond Parkway OOC*
- 3) *46 Spy Pond Parkway Request for Certificate of Compliance ("RCOC") and As-Built*
- 4) *46 Spy Pond Parkway Additional RCOC Materials, dated 02/25/2021*
- 5) *COC Internal Checklist*

Resource Areas:

- *100-ft Wetlands Buffer*
- *Adjacent Upland Resource Area*

The project as approved proposed to raze and rebuild an existing single family home and add resource area improvements through a native vegetation buffer along Spy Pond and pervious paver driveway, walkways, and patio in the 100-ft wetlands buffer and AURA of Spy Pond. The project was approved on 11/20/2018.

The Applicant requested to continue to the Commission's 05/06/2021 meeting.

D. Kaplan motioned to continue the hearing to 05/06/2021, C. Tirone seconded, all were in favor, motion approved. A roll call vote was taken. S Chapnick voted yes, M. Gildesgame voted yes, P. Heidell voted yes, D. Kaplan votes yes, C. Tirone voted yes, and D. White voted yes.

Master Permitting Spreadsheet

The Commission reviewed the master permitting spreadsheet, which lists the status of all projects permitted by the Commission since the Commission was established.

The Commission discussed how to best use the permit tracking spreadsheet to ensure that projects are closed out correctly with Certificates of Compliance. The Commission agreed that E. Sullivan should mail out reminders to close out permits to Applicants from the last five years. E. Sullivan can also reach out the Applicants via email if their permits are approaching expiration.

C. Tirone recommended that the Commission add a “Recorded” column to the spreadsheet so that the Commission can better track whether permits have been recorded at the Registry of Deeds, as they are required to be per their Orders of Condition.

1165R Mass Ave 40B Comprehensive Permit Update

S. Chapnick summarized the Zoning Board of Appeals hearing for this project which occurred on 04/13/2021.

D. Wells, the Applicant’s Wetlands Scientist, presented the proposed relocated Ryder Brook concept to the Commission. The proposed relocated Ryder Brook would be approximately 200 linear feet long, compared to the existing Ryder Brook which is approximately 120 linear feet long. The existing Ryder Brook has approximately 250 linear feet of Bank and 816 square feet of Land Under Water. The proposed relocated Ryder Brook would have approximately 363 linear feet of Bank and 1880 square feet of Land Under Water.

R. Miron, the Applicant’s Engineer, presented the Applicant’s alternative analysis for relocating Ryder Brook. If Ryder Brook is not relocated and remains where it currently is, bisecting the site from North to South, then the project will not be economically feasible for the Applicant.

The site is currently approximately 70% impervious. The proposed project would reduce the site’s impervious area to approximately 40%.

S. Chapnick thanked the Applicant for listening to the Commission’s recommendations. S. Chapnick asked the Applicant whether the relocated Ryder Brook would be considered a Resource Area. M. O’Connor, the Applicant’s Attorney, stated that the Applicant is willing to consider the relocated Ryder Brook a Resource Area.

R. Miron noted that there would be a water main adjacent to the proposed relocated Ryder Brook, between the brook and property line.

S. Chapnick asked the Commission whether it had any concerns about the water main being so close to the proposed relocated Ryder Brook due to possible maintenance of the water main.

R. Miron stated that the water main would be 5 feet deep, and below the bottom elevation of the relocated Ryder Brook.

D. Kaplan asked whether the water main would restrict the growth of the vegetation in the relocated brook. D. Wells stated he would check with the project's Landscape Architect to confirm that the vegetation would not be impacted by the water main.

P. Heidell asked why the Applicant was proposing parallel parking spots across from Mill Brook, along the property line of 15 Ryder Street, rather than vegetating the area. M. O'Connor stated that there was an existing recorded easement for the parking spots. Additionally, the parallel parking spots would be for temporary guest parking so guests do not park on Ryder Street.

C. Tirone requested that the recorded easements and deeds for those parking spots be shared with the Commission. M. O'Connor stated that she would provide the legal documents to the Commission.

C. Tirone asked whether sheet flow and stormwater runoff from Ryder Street would flow onto the site and into Mill Brook in the proposed plan.

R. Miron stated that there is currently no stormwater management in place for sheet flow off of Ryder Street that flows to the property. The proposal proposes to accept flow from Ryder Street on the property, manage it onsite, and then release the runoff into Mill Brook at a lower discharge rate.

C. Tirone asked for clarification on the water main, and whether the Applicant was proposing an easement for it. R. Miron stated that the Applicant was not proposing a fence near the water main, just a vegetated buffer. M. O'Connor stated that there would be an easement for the water main.

C. Tirone recommended that the Applicant install privacy slats in the existing fence to enhance the site. C. Garnett stated that the existing fence was outside of the Commission's jurisdiction.

S. Chapnick noted that there are two sections of Riverfront Area on the site. Riverfront Area #1 is along Ryder Street, and Riverfront Area #2 is located where the relocated Ryder Brook is proposed. S. Chapnick recommended adding mitigation plantings to Area #1. M. O'Connor stated that the neighbors located along Ryder Street in Area #1 have encroached into this area, and the Applicant was not interested in reclaiming the

encroached area. Due to this, the Applicant is not proposing mitigation vegetation in Area #1.

S. Chapnick asked C. Garnett to review the planting plan for the project. C. Garnett stated she would review a paper copy of the plans, and E. Sullivan stated she would send C. Garnett a paper copy of the plans. C. Garnett stated that she has worked with the Applicant's Landscape Architect in the past, and respects his work. D. Wells noted that there was an error on the planting plan that the Landscape Architect had corrected. The plans wrongly called for planting Atlantic White Cedar, when it was supposed to call for planting Eastern Red Cedar.

S. Chapnick asked each member of the Commission what they thought about the proposed relocation of Ryder Brook.

C. Tirone stated that he considered the relocation an improvement due to the proposed enhancements.

P. Heidell stated that she agreed with C. Tirone. The enhancements to the relocated Ryder Brook and mitigation elsewhere onsite are improvements.

D. White stated that the proposal was an improvement.

D. Kaplan stated the relocation was an improvement, and that the plantings and restoration were better than the current site conditions.

M. Gildesgame stated the Applicant was responsive to Commission feedback and provided enhancements to the site.

C. Garnett stated that the expansion of vegetated areas was a positive change so long as the proposed plantings survive.

S. Chapnick stated that she was pleased with the proposal, and that it was clear that the Applicant listened to the Commission's comments.

S. Chapnick recommended that the Applicant consider withdrawing its waiver requests for the Local Wetlands Bylaw because the project largely complies with the local requirements and therefore may not need the waiver requests. The Commission will recommend special conditions to the ZBA's permit decision.

M. O'Connor agreed that the waiver requests regarding relocating Ryder Brook may not be necessary, but a waiver may be needed for the parallel parking spaces across from Mill Brook since they are within 25 feet of a Resource Area. Otherwise, the Applicant is agreeable to the special conditions the Commission recommends to the ZBA.

C. Tirone asked for clarification on the jurisdictional status of the proposed relocated Ryder Brook, and whether it would be considered a Resource Area. C. Tirone asked

whether a Resource Area buffer zone would be limited in order to not create new Resource Areas on neighboring parcels that have never been considered Resource Areas.

P. Heidell cautioned the Commission about how it handles possibly creating new Resource Area.

M. O'Connor suggested that the Applicant create a protective easement in perpetuity rather than create new Resource Area. M. O'Connor noted that Ryder Brook is an intermittent stream, and therefore is not considered Riverfront Area under the Local Wetlands Bylaw. There is also no presence of Bordering Vegetated Wetlands in or along the existing Ryder Brook. M. O'Connor stated that Ryder Brook is a stormwater feature, not a Resource Area, and that the Applicant is significantly enhancing it through the proposed project.

D. Kaplan recommended that the Commission and the Applicant request additional legal counsel regarding this issue.

S. Chapnick stated that the next ZBA hearing for the 1165R Mass Ave 40B proposal is scheduled for 4/27/2021.

Thorndike Place 40B Comprehensive Permit Update

D. White recused himself from the Thorndike Place 40B discussion.

S. Chapnick summarized the Zoning Board of Appeals hearing for this project which occurred on 04/08/2021.

During the hearing, residents requested that the Applicant revise the proposal to include town homes, which were originally proposed in 2015. Residents also requested that the larger apartment building be reduced in size.

S. Chapnick noted that such a change to the project plans could result in larger impacts to the Resource Areas than currently proposed. S. Chapnick stated that members of the ZBA expressed concerns with any changes to the proposal that would create more Resource Area impacts. S. Chapnick reflected that the Applicant had worked closely with the Commission and ZBA to limit Resource Area impacts in their current proposal.

P. Heidell stated that the Applicant seems like they understand that they cannot impact the Resource Areas more than the current proposal proposes.

M. Gildesgame motioned to close the Commission meeting, D. White seconded, all were in favor, motioned approved.

Meeting adjourned at 9:00pm.



Town of Arlington, Massachusetts

Request for Certificate of Compliance

Summary:

Request for Certificate of Compliance: 1297 Mass Ave
MassDEP File #091-0321

7:45pm The project as approved involved: (1) remediating contaminated soil from a kitchen grease oil spill by removing and replacing the contaminated soil; (2) removing one existing tree and replacing it with two native trees; (3) restoring the area with native plantings; and (4) constructing two new traffic bollards behind the grease container to prevent future spills. The project site is located within the 200-ft riverfront area and 100-ft wetlands buffer of Mill Brook. The project was approved on 6/9/2020.

ATTACHMENTS:

Type	File Name	Description
Request for Certificate of Compliance	1297_Mass_Ave_NOI_Packet_Redacted.pdf	1297 Mass Ave NOI
Request for Certificate of Compliance	1297_Mass_Ave_OOC_06092020.pdf	1297 Mass Ave OOC
Request for Certificate of Compliance	1297_Mass_Ave_04292020_Supplemental_Materials.pdf	1297 Mass Ave NOI Supplemental Materials #1
Request for Certificate of Compliance	1297_Mass_Ave_5122020_Supplement_Materials.pdf	1297 Mass Ave NOI Supplement Materials #2
Request for Certificate of Compliance	1297_Mass_Ave_Request_for_Certificate_of_Compliance.pdf	1297 Mass Ave RCOC

TRANSMITTAL

March 4, 2020

Emily Sullivan
Environmental Planner & Conservation Agent
Town of Arlington Conservation Commission
730 Massachusetts Avenue, Annex
Arlington, Massachusetts 02476

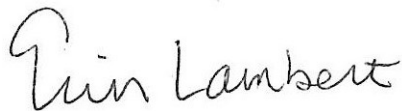
**RE: Wetlands Protection Agency Notice of Intent
D'Agostino's Delicatessen
1297 Massachusetts Avenue, Arlington, MA**

Item No.	Quantity	Description
1	7	WPA Form 3
2	7	Bylaw Filing Fees and Transmittal Form
3	7	Bylaw Filing and State Filing Fees Check
4	7	Abutters List and Abutter Notification Letter Copy
5	7	Affidavit of Service and Copies of Certified Mail Receipts
6	7	Legal Notice of Charge
7	7	Project Narrative
8	7	Site Plans (24x36)
9	7	USGS Site Location Map
10	7	FEMA Site Floodplain Map
11	7	Site Photo Log
12	1	Electronic Copy of Packet Submission

If you have any questions, or require additional information, please contact me at (603) 731-9883.

Very truly yours,

WILCOX & BARTON, INC.



Erin R. Lambert, P.E., LEED AP
Associate Vice President



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: **RRUCKER**

Transaction ID: **1179566**

Document: **WPA Form 3 - NOI**

Size of File: **249.37K**

Status of Transaction: **In Process**

Date and Time Created: **3/3/2020:4:14:44 PM**

Note: This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.

Massachusetts Department of Environmental
Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 - Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1179566
City/Town:ARLINGTON

A.General Information

1. Project Location:

a. Street Address	1297 MASSACHUSETTS AVENUE		
b. City/Town	ARLINGTON	c. Zip Code	02476
d. Latitude	42.42458N	e. Longitude	71.18177W
f. Map/Plat #	59	g.Parcel/Lot #	10.D

2. Applicant:

☐ Individual ☒ Organization

a. First Name		b. Last Name	
c. Organization	P&D REALTY		
d. Mailing Address	109 REFLECTION DRIVE		
e. City/Town	SANDWICH	f. State	MA
g. Zip Code			02563
h. Phone Number		i. Fax	
j. Email			

3. Property Owner:

☐ more than one owner

a. First Name		b. Last Name	
c. Organization	P&D REALTY		
d. Mailing Address	109 REFLECTION DRIVE		
e. City/Town	SANDWICH	f. State	MA
g. Zip Code			02563
h. Phone Number		i. Fax	
j. Email			

4. Representative:

a. First Name	RUSSELL	b. Last Name	BARTON
c. Organization	WILCOX & BARTON, INC.		
d. Mailing Address	#1B COMMONS DRIVE, UNIT 12B		
e. City/Town	LONDONDERRY	f. State	NH
g. Zip Code			03053
h. Phone Number	603-369-4190	i. Fax	
j. Email			rbarton@wilcoxandbarton.com

5. Total WPA Fee Paid (Automatically inserted from NOI Wetland Fee Transmittal Form):

a. Total Fee Paid	110.00	b. State Fee Paid	42.50	c. City/Town Fee Paid	67.50
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6. General Project Description:

THE PROPOSED PROJECT INVOLVES THE EXCAVATION AND REMEDIATION OF CONTAMINATED SOIL FROM A COMMERCIAL KITCHEN GREASE STORAGE CONTAINER SPILL.

7a. Project Type:

- | | |
|---|--|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input checked="" type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (eg., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input type="checkbox"/> Other |

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310

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CMR 10.53 (inland)?

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

a. County:

b. Certificate:

c. Book:

d. Page:

SOUTHERN MIDDLESEX

21176

327

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. Buffer Zone & Resource Area Impacts (temporary & permanent):

☐ This is a Buffer Zone only project - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.

2. Inland Resource Areas: (See 310 CMR 10.54 - 10.58, if not applicable, go to Section B.3. Coastal Resource Areas)

Resource Area

Size of Proposed Alteration

Proposed Replacement (if any)

a. ☐ Bank

1. linear feet

2. linear feet

b. ☐ Bordering Vegetated Wetland

1. square feet

2. square feet

c. ☐ Land under Waterbodies and Waterways

1. Square feet

2. square feet

3. cubic yards dredged

d. ☐ Bordering Land Subject to Flooding

1. square feet

2. square feet

3. cubic feet of flood storage lost

4. cubic feet replaced

e. ☐ Isolated Land Subject to Flooding

1. square feet

2. cubic feet of flood storage lost

3. cubic feet replaced

f. ☒ Riverfront Area

Mill Brook

1. Name of Waterway (if any)

2. Width of Riverfront Area (check one)

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☒ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project

53736

square feet

4. Proposed Alteration of the Riverfront Area:

2700

2700

0

a. total square feet

b. square feet within 100 ft.

c. square feet between 100 ft.

and 200 ft.

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5. Has an alternatives analysis been done and is it attached to this NOI?

☐ Yes ☒ No

6. Was the lot where the activity is proposed created prior to August 1, 1996?

☒ Yes ☐ No

3.Coastal Resource Areas: (See 310 CMR 10.25 - 10.35)

Resource Area Size of Proposed Alteration Proposed Replacement (if any)

a. ☐ Designated Port Areas

Indicate size under

Land under the ocean below,

b. ☐ Land Under the Ocean

1. square feet

2. cubic yards dredged

c. ☐ Barrier Beaches

Indicate size under Coastal Beaches and/or Coastal Dunes, below

d. ☐ Coastal Beaches

1. square feet

2. cubic yards beach nourishment

e. ☐ Coastal Dunes

1. square feet

2. cubic yards dune nourishment

f. ☐ Coastal Banks

1. linear feet

g. ☐ Rocky Intertidal Shores

1. square feet

h. ☐ Salt Marshes

1. square feet

2. sq ft restoration, rehab, crea.

i. ☐ Land Under Salt Ponds

1. square feet

2. cubic yards dredged

j. ☐ Land Containing Shellfish

1. square feet

k. ☐ Fish Runs

Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

1. cubic yards dredged

l. ☐ Land Subject to Coastal

Storm Flowage

1. square feet

4.Restoration/Enhancement

☐ Restoration/Replacement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5.Projects Involves Stream Crossings

☐ Project Involves Streams Crossings

□ **Massachusetts Department of Environmental Protection**
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If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage of Endangered Species program (NHESP)?

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:
Natural Heritage and Endangered Species
Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

b. Date of map:AUGUST 1, 2017

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18)....

c. Submit Supplemental Information for Endangered Species Review * (Check boxes as they apply)

1. ☐ Percentage/acreage of property to be altered:

(a) within Wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

3. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetland jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

a. ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

b. ☐ Photographs representative of the site

c. ☐ MESA filing fee (fee information available at: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html>)

Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

d. ☐ Vegetation cover type map of site

e. ☐ Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the following

1. ☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing.

a. NHESP Tracking Number

b. Date submitted to NHESP

□ **Massachusetts Department of Environmental Protection**

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3. ☐ Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review...

2. For coastal projects only, is any portion of the proposed project located below the mean high waterline or in a fish run?

a. ☒ Not applicable - project is in inland resource area only

b. ☐ Yes ☐ No

If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 S. Rodney French Blvd
New Bedford, MA 02744

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

If yes, it may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office.

For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. ☐ Yes ☒ No

If yes, provide name of ACEC (see instructions to WPA Form 3 or DEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC Name

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. ☐ Yes ☒ No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L.c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L.c. 130, § 105)?

a. ☐ Yes ☒ No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. ☒ Yes, Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook ☐ Vol.2, Chapter 3)

2. A portion of the site constitutes redevelopment ☐

3. Proprietary BMPs are included in the Stormwater Management System ☐

b. ☐ No, Explain why the project is exempt:

1. ☐ Single Family Home

☐ **Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1179566
City/Town:ARLINGTON

☐ 2. Emergency Road Repair

☐ 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department by regular mail delivery.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.) ☒
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area. ☒
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s). ☐ Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI. ☒

a. Plan Title:	b. Plan Prepared By:	c. Plan Signed/Stamped By:	c. Revised Final Date:	e. Scale:
SITE PLAN	RUSSEL S. RUCKER	DAVID L. FROTHINGHAM	3/4/2020	1" = 20'
CONSTRUCTION & EROSION CONTROL DETAILS	RUSSEL S. RUCKER	DAVID L. FROTHINGHAM	3/4/2020	N.T.S.

5. If there is more than one property owner, please attach a list of these property owners not listed on this form. ☐
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed. ☐
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed. ☐
8. Attach NOI Wetland Fee Transmittal Form. ☒
9. Attach Stormwater Report, if needed. ☒

□ **Massachusetts Department of Environmental Protection**
Bureau of Resource Protection - Wetlands
WPA Form 3 - Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1179566
City/Town:ARLINGTON

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	3. Check date
4. State Check Number	5. Check date
6. Payer name on check: First Name	7. Payer name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Sam D'Agostino	3/3/2020
1. Signature of Applicant	2. Date
Sam D'Agostino	3/3/2020
3. Signature of Property Owner(if different)	4. Date
Russell Barton	3/3/2020
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in Section C, Items 1-3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 - Notice of Wetland Fee Transmittal
Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1179566
City/Town:ARLINGTON

A. Applicant Information

1. Applicant:

a. First Name		b. Last Name	
c. Organization	P&D REALTY		
d. Mailing Address	109 REFLECTION DRIVE		
e. City/Town	SANDWICH	f. State	MA
g. Zip Code			02563
h. Phone Number		i. Fax	
j. Email			

2. Property Owner:(if different)

a. First Name		b. Last Name	
c. Organization	P&D REALTY		
d. Mailing Address	109 REFLECTION DRIVE		
e. City/Town	SANDWICH	f. State	MA
g. Zip Code			02563
h. Phone Number		i. Fax	
j. Email			

3. Project Location:

a. Street Address	1297 MASSACHUSETTS AVENUE	b. City/Town	ARLINGTON
-------------------	---------------------------	--------------	-----------

Are you exempted from Fee? ☐ (YOU HAVE SELECTED 'NO')

Note: Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than \$100

B. Fees

Activity Type	Activity Number	Activity Fee	RF Multiplier	Sub Total
A.) WORK ON SINGLE FAMILY LOT; ADDITION, POOL, ETC.;	1	110.00		110.00
		City/Town share of filing fee	State share of filing fee	Total Project Fee
		\$67.50	\$42.50	\$110.00

Bylaw Filing Fees and Transmittal Form

Rules:

1. Fees are payable at the time of filing the application and are non-refundable.
2. Fees shall be calculated per schedule below.
3. Town, County, State, and Federal Projects are exempt from fees.
4. These fees are in addition to the fees paid under M.G.L. Ch. 131, s.40 (ACT).

Fee Schedule (ACC approved 1/8/15):

\$	No./Area	Category
		(R1) RDA - \$150 local fee, no state fee
\$200	1	(N1) Minor Project - \$200 (house addition, tennis court, swimming pool, utility work, work in/on/or affecting any body of water, wetland or floodplain).
		(N2) Single Family Dwelling - \$600
		(N3) Multiple Dwelling Structures - \$600 + \$100 per unit all or part of which lies within 100 feet of wetlands or within land subject to flooding.
		(N4) Commercial, Industrial, and Institutional Projects - \$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding or buffer zone disturbed.
		(N5) Subdivisions - \$600 + \$4/l.f. feet of roadway sideline within 100 ft. of wetlands or within land subject to flooding.
		(N6) Other Fees - copies, printouts; per public records law
		(N7) Minor Project Change - \$50
		(N8) Work on Docks, Piers, Revetments, Dikes, etc - \$4 per linear foot
		(N9) Resource Boundary Delineation (ANRAD) - \$1 per linear foot
		(N10) Certificate of Compliance (COC or PCOC) - No charge if before expiration of Order, \$200 if after that date.
		(N11) Amendments - \$300 or 50% of original local filing fee, whichever is less.
		(N12) Extensions -
		a. Single family dwelling or minor project - \$100.
		b. Other - \$150.
		(N13) Consultant Fee -per estimate from consultant
\$200	TOTAL	

Note: Submit this form along with the forms submitted for the ACT - the "Wetlands Filing Fee Calculations Worksheet," and the "Notice of Intent Fee Transmittal Form."

Bank of America

ERIN R LAMBERT

3/4/2020

54-49/114 NH
1675

Date

Pay Town of Arlington \$ 267.50
to the order of Two-hundred sixty-seven and 50/100 Dollars

Richard Curren

Bank of America

ACH R/T 011400495

Memo NDI Fees

Erin R. Lambert

Photo
Safe
Deposit®
Details on back

NOI for Site Remediation
1297 Massachusetts Avenue, Arlington, MA 02476

Map	Block	Lot	Property Owner	Mailing Address	Quantity
Owner/Applicant:					
59	1	10.D	P&D Realty	109 Reflection Drive Sandwich, MA 02563	1
Abutters:					
59	1	11	1309-1323 Mass Ave, LLC.	12 Pepper Hill Drive Winchester, MA 01890	2
59	1	12	30 Park Ave Associates, LLP.	PO Box 288 Arlington, MA 02476	3
59	1	7	Lacourt Enterprises, LLC.	30 College Avenue Somerville, MA 02144	4
59.A	1	1.1	Xiaohe Ma	1283 Massachusetts Avenue, Unit 1 Arlington, MA 02476	5
59.A	1	1.2	Gregory R. Josephs & Brian D. Stricker	1283-1285 Mass. Avenue, Unit 2 Arlington, MA 02476	6
59.A	1	1.3	Radhika Sriram	1283-1285 Mass. Avenue, Unit 3 Arlington, MA 02476	7
59	1	9	Sean Galvin Trustee	630 High Street Medford, MA 02115	8
59	1	19	30 Park Ave Associates, LLP.	PO Box 288 Arlington, MA 02476	Duplicate
170	2	1	Nigoghos & Carolyn Atinizian	545 Concord Avenue, Suite 400 Cambridge, MA 02138	9
170	2	2	Nicolas Perhandis Trustee	163 Hillside Avenue Arlington, MA 02476	10
170	2	3	Cambridge Savings Bank	1374 Massachusetts Avenue Cambridge, MA 02138	11
170	2	4	Cambridge Savings Bank	1374 Massachusetts Avenue Cambridge, MA 02138	Duplicate
170	3	5	John R. & Mark Wanamaker Trust	1298 Massachusetts Avenue Arlington, MA 02476	12
170	3	6	John R. Wanamaker	41 Dyer Street North Billerica, MA 01862	13
170	3	7	Eleanor Leclain & John Kevin Clark	1292-1294 Massachusetts Avenue Arlington, MA 02476	14
165.A	3	1288	Melissa Dolan	1288 Massachusetts Avenue, Unit 1 Arlington, MA 02476	15
165.A	3	1290	Jesse D. & Regina M. O'Brien	1290 Massachusetts Avenue, Unit 2 Arlington, MA 02476	16

Abutters List Verified: 03/04/2020

Abutter Notification

Notification to Abutters Under the Massachusetts Wetlands Protection Act And Arlington Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

The Conservation Commission will hold a public hearing in the second floor conference room of the Town Hall Annex, 730 Massachusetts Avenue, Arlington, on March 19, 2020, at 7:30 PM in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended) and the Town of Arlington Bylaws Article 8, Bylaw for Wetland Protection, for a Notice of Intent from P&D Realty, for remediation of contaminated soils from a commercial kitchen, grease storage container spill at 1297 Massachusetts Avenue, within 200 feet of a Riverfront area, on Assessor's Property Map #59, Lot #10D.

A copy of the application and accompanying plans are available for inspection Mon. - Thurs. 8am-4pm and Fri. 8am-noon at the Conservation Commission office, first floor of the Town Hall Annex, 730 Massachusetts Avenue, Arlington, MA 02476. For more information call the applicant at 781-756-8071, the project engineer manager at 603-369-4190 x502, or the Arlington Conservation Commission at 781-316-3012, or the DEP Northeast Regional Office at 978-694-3200.

NOTE: Notice of the Public Hearing will be published at least five (5) business days in advance in *The Arlington Advocate* and will also be posted at least 48 hours in advance in the Arlington Town Hall.

The meeting information for your hearing is:

Date: Thursday, March 19, 2020

Time: 7:30 PM

Affidavit of Service

(Please return to Conservation Commission)

I, Russel Rucker, being duly sworn, do hereby state as follows: on March 4, 2020, I mailed a "Notification to Abutters" in compliance with the second paragraph of Massachusetts General Laws, Chapter 131, s.40, the DEP Guide to Abutter Notification dated April 8, 1994, and the Arlington Wetlands Protection Bylaw, Title V, Article 8 of the Town of Arlington Bylaws in connection with the following matter:

Remediation of contaminated soils from a commercial kitchen, grease storage container spill at 1297 Massachusetts Avenue, Arlington, MA.

The form of the notification, and a list of the abutters to whom it was provided and their addresses, are attached to this Affidavit of Service.

Signed under the pains and penalties of perjury, this 4th day of March 2020.



Name

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City, State, ZIP+4®

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Postage \$0.55

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JESSE D. & REGINA M. O'BRIEN

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SANDWICH, MA 02563

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00☐ Return Receipt (electronic) \$0.00☐ Certified Mail Restricted Delivery \$0.00☐ Adult Signature Required \$0.00☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

\$4.10

Total Postage and Fees

\$4.10

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P&D REALTY

Street and Apt. No., or PO Box No.

109 REFLECTION DRIVE

City, State, ZIP+4®

SANDWICH, MA 02563

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Postage \$0.55

\$4.10

Total Postage and Fees

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MELISSA DOWD

Street and Apt. No., or PO Box No.

1288 MASSACHUSETTS AVE., UNIT 1

City, State, ZIP+4®

ARLINGTON, MA 02476

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WINCHESTER, MA 01890

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☐ Return Receipt (hardcopy) \$0.00☐ Return Receipt (electronic) \$0.00☐ Certified Mail Restricted Delivery \$0.00☐ Adult Signature Required \$0.00☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

\$4.10

Total Postage and Fees

\$4.10

Sent To

1309-1323 MASS AVE, LLC.

Street and Apt. No., or PO Box No.

12 PEPPER HILL DR.

City, State, ZIP+4®

WINCHESTER, MA 01890

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ARLINGTON, MA 02476

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Extra Services & Fees (check box, add fee as appropriate)

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Postage \$0.55

\$4.10

Total Postage and Fees

\$4.10

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30 PARK AVE ASSOCIATES, LLP.

Street and Apt. No., or PO Box No.

PO BOX 288

City, State, ZIP+4®

ARLINGTON, MA 02476

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$4.10

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 Street and Apt. No., or PO Box No.
30 COLLEGE AVE.
 City, State, ZIP+4®
SOMERVILLE, MA 02144

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$4.10

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XIAOHE MA
 Street and Apt. No., or PO Box No.
1283 MASSACHUSETTS AVE., UNIT 1
 City, State, ZIP+4®
ARLINGTON, MA 02476

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Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$4.10

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GREGORY JOSEPHS & BRIAN STRICKER
 Street and Apt. No., or PO Box No.
1283-1285 MASSACHUSETTS AVE., UNIT 2
 City, State, ZIP+4®
ARLINGTON, MA 02476

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Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

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RAHNIKA SRIRAM
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 City, State, ZIP+4®
ARLINGTON, MA 02476

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MEDFORD, MA 02155

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Extra Services & Fees (check box, add fee as appropriate)

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$4.10

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630 HUGH ST.
 City, State, ZIP+4®
MEDFORD, MA 02155

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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CAMBRIDGE, MA 02138

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee as appropriate)

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$4.10

Postmark Here 03/04/2020

Sent To
NINA KHOS & CAROLIN ATINEZIAN
 Street and Apt. No., or PO Box No.
545 CONCORD AVE., SUITE 400
 City, State, ZIP+4®
CAMBRIDGE, MA 02138

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$4.10

Sent To

NICOLAS PERHANDIS TRUSTEE

Street and Apt. No., or PO Box No.

163 HILLSIDE AVE.

City, State, ZIP+4®

ARLINGTON, MA 02476

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CAMBRIDGE, MA 02138

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$4.10

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CAMBRIDGE SAVINGS BANK

Street and Apt. No., or PO Box No.

1374 MASSACHUSETTS AVE.

City, State, ZIP+4®

CAMBRIDGE, MA 02138

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ARLINGTON, MA 02476

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
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Postage \$0.55

Total Postage and Fees \$4.10

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41 DYER ST.

City, State, ZIP+4®

NORTH BILLERICA, MA 01862

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

0301
14Postmark
Here

03/04/2020

Legal Notice Charge Authorization

DATE: March 4, 2020

TO: legals@wickedlocal.com

I hereby authorize Community Newspapers to bill me directly for the legal notice to be published in the Arlington Advocate newspaper on March 11, 2020 for a public hearing with the Arlington Conservation Commission to review a project at the following location:

1297 Massachusetts Avenue, Arlington, MA

Thank you.

Signed: Gin Lambert

Send bill to:

Wilcox & Barton, Inc. (Address)

PO Box 1630

Derry, NH 03038

603-369-4190 x527 (Phone)

Project Narrative

Project: D'Agostino's Delicatessen Grease Remediation
Address: 1297 Massachusetts Avenue, Arlington, Massachusetts
Owner/Applicant: P&D Realty

The project involves the remediation of contaminated soil from a kitchen grease storage container spill at D'Agostino's Delicatessen. Grease in the storage container has spilled into the area at the top of the bank behind the grease container with some surface runoff on the bank. No spilled grease has impacted Mill Brook at the bottom of the bank, which runs through the project property. Construction activities include the removal and replacement of soil, planting two new trees to replace an existing tree that will be by the excavation, installation of two new traffic bollards behind the grease container, and restoration of areas disturbed during construction activities. An estimated 21 cubic yards of grease-contaminated soil is expected to be removed and replaced with 26 cubic yards of clean, compacted fill. Most of the excavation will take place within the vicinity of the grease container storage area and within the top of the bank behind the grease container. Some surface excavation is expected on the bank to remove grease from the topsoil. A summary of the expected excavation depths at the specified locations is tabulated below.

Excavation & Backfill Calculations

Excavation Volume			
Location	Area (sf)	Depth (ft)	Volume (cf)
Grease container	168	2.0	336
Top of bank	156	1.0	156
Bank	144	0.5	72
Total			564

Fill Volume

Fill Vol. = Excav. Vol. x Compaction Factor
Fill Vol. = 564 cf x 1.25
Fill Vol. = 705 cf
Fill Vol. = 26 cy

In order to complete removal of contaminated soil, an existing 12-inch diameter at breast height (DBH) deciduous tree near the top of the bank behind the grease container shall be removed prior to start of excavation. The base of the tree is in the expected excavation area, and a majority of its base roots are expected to be impacted by excavation activity. There shall be 2 new trees planted at the top of the bank during site restoration activities to replace the removed tree. Impacts to other trees on the bank are not expected given the shallow depth of exaction on the bank. However, the contractor shall notify the engineer immediately should excavation activities require the removal of additional tree roots. New trees planted to replace the removed tree shall be Red Maple (*Acer Rebrum*) of 2.5-inch to 3.5-inch caliper.

Stormwater Management and Erosion Control

The project property is 1.23-acres (53,736-square feet). Most of the ground cover on the property consists of impervious surfaces for two buildings with associated parking lots and driveways, resulting in a total 33,000-square feet of impervious cover (61% of total site area). A catch basin east of the project area captures most of the surface runoff on the property. The rest of the surface runoff is conveyed to Mill Brook, which runs through the northern section of the property. All of the property is within the 200-foot riverfront area, and approximately 36,500-square feet is within 100-feet of Mill Brook. The project area is limited to a 2,700-square foot area along the upper bank and is entirely within 100-feet of Mill Brook.

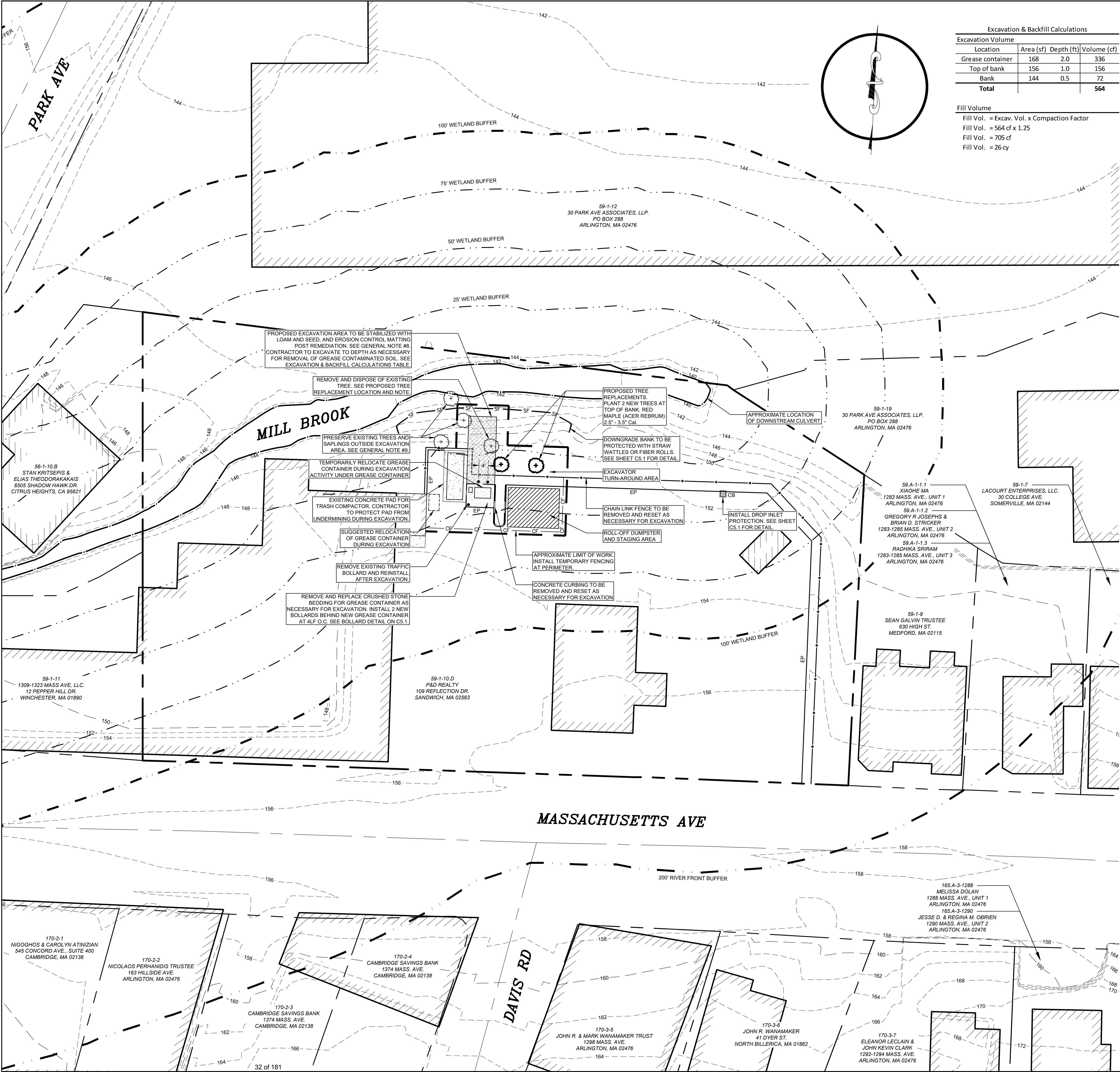
Most of the stormwater improvements post-construction shall be qualitative. No additional impervious area is proposed for the project, and all disturbed areas will be stabilized to a state equal to or better than their condition prior to construction. The existing bank in the project area is loose and uneven with some vegetative cover and slopes of 2:1 and greater. The contractor shall stabilize the bank with compacted fill at a slope of 2:1 or less where permitted, install erosion control matting, and reseed the disturbed areas. To replace the removal of the existing tree in the excavation zone of the project area, 2 new trees shall be planted at the top of the bank within the project area. Adding new trees and enhancing the vegetative cover on the slope further helps to protect Mill Brook from surface pollutants. Stormwater runoff from the project area will be at or below the current runoff rates due to the enhance vegetative cover.

Prior to any earth disturbance, temporary fencing, perimeter barriers, and inlet protections will be installed around the project area. Temporary fencing will be installed at the limits of disturbance for each phase of construction to prevent the expansion of disturbed areas beyond the limits of the phase. Fencing will be inspected weekly and replaced or repaired if damaged. For erosion control, fiber rolls will be placed down gradient of all disturbed areas. The fiber rolls will have a diameter of 9-inches or 12-inches and will be installed with 2-inch x 2-inch x 36-inch wooden stakes placed 10-feet on center. Existing and proposed storm drain inlets will also be protected from the discharge of sediment laden runoff by implementation of fiber rolls. See sheet C5.1 of attached Construction & Erosion Control Details for installation. The fiber rolls will be inspected weekly and after every rain fall event producing runoff. Fiber rolls that are dislodged or damaged will be replaced. Accumulated sediment will be removed when it reaches $\frac{1}{2}$ the exposed height of the fiber roll.

The contractor shall fill and compact excavated areas and restore all disturbed areas with loam and seed. All stockpiles will be encircled with silt fence or fiber rolls to prevent migration of sediment from the stockpile. Erosion control matting shall be installed on the bank to stabilize the slope. The erosion control matting will be inspected weekly and after every rain fall event producing runoff. All disturbed areas which have reached final grade will be seeded and mulched within 48 hours of completion. Seeded areas will be inspected weekly and within 24 hours of all rainfall events of 0.25-inches or greater. Any areas where runoff has displaced the topsoil, seed, or mulch will be repaired immediately. Restoration of the disturbed areas shall be considered stabilize after a minimum of 85% vegetated growth has been established. After the entire site has reached final stabilization, the remaining erosion control measures will be removed within 30 days.

Supporting evidence that the project has sufficient climate change resilience is as followed:

1. The project will not increase impervious area on the site and existing green spaces with sparse vegetation will be reseeded to increase the slope stability of the bank with more dense vegetation. New traffic bollards and planted trees shall help protect the bank as physical barriers.
2. New plantings and vegetation shall revitalize green spaces, decrease total surface runoff in the restored areas, and reduce the amount of common surface pollutants entering Mill Brook.
3. The existing tree to be removed will be replaced with 2 Red Maple trees (native, non-invasive), which are hardy trees, resilient to adverse growing conditions. Restoring disturbed areas with loam and seed also promotes long-lasting ground cover.
4. No new structures are proposed. The existing structures shall be unimpacted by proposed construction activities.



Excavation & Backfill Calculations			
Excavation Volume			
Location	Area (sf)	Depth (ft)	Volume (cf)
Grease container	168	2.0	336
Top of bank	156	1.0	156
Bank	144	0.5	72
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Fill Volume
Fill Vol. = Excav. Vol. x Compaction Factor
Fill Vol. = 564 cf x 1.25
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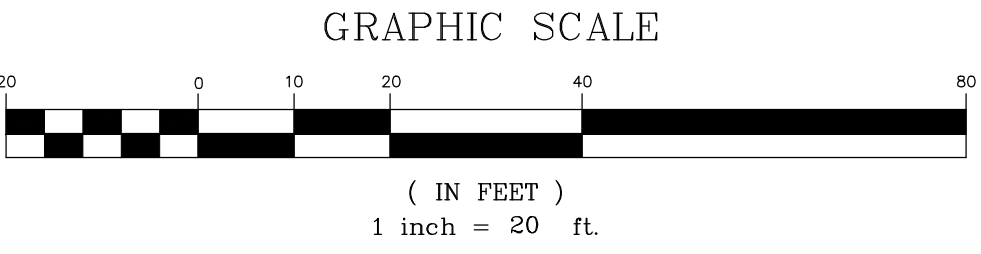
LEGEND	
	PROPERTY LINE
	ABUTTER'S PROPERTY LINE
	MAJOR CONTOUR
	MINOR CONTOUR
	BUILDINGS
	ROADWAY CENTERLINE
	EDGE OF PAVEMENT
	CURB
	CONCRETE PAD
	CHAIN LINK FENCE
	EDGE OF WETLAND/WATERWAY
	200' RIVERFRONT BUFFER
	100' WETLAND/WATERWAY BUFFER
	WETLAND/WATERWAY BUFFER
	TEMPORARY FENCE
	FIBER ROLLS
	LIMIT OF WORK
	CATCH BASINS
	INLET PROTECTION
	DECIDUOUS TREES

- GENERAL NOTES:
- EXISTING CONDITIONS, NORTH ORIENTATION, AND COORDINATE VALUES DEPICTED ON THESE DRAWINGS ARE BASED ON DATA COLLECTED AND PROVIDED BY THE BUREAU OF GEOGRAPHIC INFORMATION (MASSGIS), COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF TECHNOLOGY AND SECURITY SERVICES. 1.1. STRUCTURES LAYER UPDATED AUGUST 2019 1.2. TAX PARCELS LAYER UPDATED JANUARY 2020 1.3. ROAD CENTER LINES LAYER UPDATED NOVEMBER 2018
 - TOPOGRAPHICAL INFORMATION PROVIDED BY THE TOWN OF ARLINGTON, MA GIS DATA "2-FOOT ELEVATION CONTOURS" DATED 2018.
 - CONTRACTOR IS RESPONSIBLE FOR ADEQUATE BRACING OF WALLS AND/OR SHORING OF EXCAVATIONS DURING CONSTRUCTION.
 - THE CONTRACTOR SHALL REVIEW AND STAMP ALL SHOP DRAWINGS AND SUBMITTALS BEFORE SUBMISSION TO THE ENGINEER. THUS, PROVIDING ANY INFORMATION REQUIRED OF THE FABRICATOR SUCH AS FIELD DIMENSIONS, ELEVATIONS, ETC. OTHERWISE THE SHOP DRAWINGS OR SUBMITTALS WILL BE REJECTED UNTIL SUCH INFORMATION IS FURNISHED BY THE CONTRACTOR.
 - BACKFILL SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT, ASTM D1557.
 - THE CONTRACTOR SHALL CONTACT DIG-SAFE (1-888-DIG-SAFE) AT LEAST 48 HOURS AND LESS THAN 30 DAYS PRIOR TO STARTING CONSTRUCTION AND SHALL VERIFY ALL UTILITY LOCATIONS IN THE FIELD.
 - CONTRACTOR WILL NOTIFY ENGINEERS IMMEDIATELY IF SITE CONDITIONS DIFFER FROM WHAT IS SHOWN ON PLAN.
 - CONTRACTOR TO USE NORTH AMERICAN GREEN BONNET SC150BN MATTING FOR ALL EROSION CONTROL MATTING. 70% STRAW / 30% COCONUT FIBER MATRIX.
 - CONTRACTOR SHALL PRESERVE AND PROTECT EXISTING TREE ROOTS. IF ADDITIONAL TREES NEED TO BE IMPACTED FOR REMEDIATION ACTIVITIES CONTACT ENGINEER IMMEDIATELY.

- LANDSCAPING NOTES:
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH PLANTING OPERATIONS
 - LANDSCAPING CONTRACTOR SHALL RECEIVE SITE GRADE TO +/- 0.10 FOOT.
 - ALL PLANT MATERIALS AND FINAL LOCATION OF ALL PLANT MATERIALS SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION
 - IF CONFLICTS ARISE BETWEEN SIZE OF AREAS AND PLANS, CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR IMMEDIATE RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN CONTRACTOR'S LIABILITY TO RELOCATE THE MATERIALS.
 - CONTRACTOR SHALL FURNISH PLANT MATERIALS FREE OF PESTS OR PLANT DISEASES. PRE-SELECTED OR "TAGGED" MATERIAL MUST BE INSPECTED BY THE CONTRACTOR AND CERTIFIED AS PEST AND DISEASE FREE. IT IS THE CONTRACTOR'S OBLIGATION TO WARRANTY ALL PLANT MATERIALS.
 - ALL GROUND COVERS SHALL BE TRIANGULARLY SPACED UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF ANY EXISTING MATERIALS DAMAGED DURING PLANTING OPERATIONS.
 - ALL LANDSCAPE AREAS SHALL BE COVERED WITH 2-INCHES OF ORGANIC BARK MULCH UNLESS OTHERWISE NOTED.
 - AREAS SHOWN AS GROUND COVER AT THE BASE OF TREE AND SHRUB MATERIALS MUST CONFORM TO THE FOLLOWING CRITERIA. THERE SHALL BE NO GROUND COVER PLANT MATERIAL AT THE BASE OF THE TREE OR SHRUB AS FOLLOWS: A) 4-FOOT RADIUS AROUND EVERGREEN TREES, B) 3-FOOT RADIUS AROUND DECIDUOUS TREES; AND C) 2-FOOT RADIUS AROUND LARGE SHRUBS.
 - FINAL PLACEMENT OF ALL PLANT MATERIALS SHALL BE SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE PRIOR TO FINAL PLACEMENT AND BACKFILL. CONTACT OWNER'S REPRESENTATIVE 24-HOURS PRIOR TO PLACEMENT FOR APPROVAL.
 - ALL DISTURBED AREAS, UNLESS OTHERWISE NOTED, TO BE LOAM, SEEDED, AND MULCHED.

EROSION CONTROL SEED		
SEED	BY % MASS	% GERMINATION (MIN)
WINTER RYE 80 (MIN)	80 (MIN)	85
RED FESCUE (CREEPING)	4 (MIN)	80
PERENNIAL GRASS	3 (MIN)	90
RED CLOVER	3 (MIN)	90
OTHER CROP GRASS	0.5 (MAX)	
NOXIOUS WEED SEED	0.5 (MAX)	
INERT MATTER	1.0 (MAX)	

PERMANENT SEED MIX		
SEED	BY % MASS	% GERMINATION (MIN)
RED FESCUE (CREEPING)	50	85
KENTUCKY BLUE	25	85
PERENNIAL RYE GRASS	10	90
RED TOP	10	85
LANDINO CLOVER	5	85



Wilcox & Barton INC.
CIVIL • ENVIRONMENTAL • GEOTECHNICAL

2 CAPITAL PLAZA, SUITE 305
CONCORD, NH 03301
603-369-4190
www.wilcoxandbarton.com

REVISION HISTORY

1.	
----	--

Permitting

ALL DOCUMENTS PREPARED BY WILCOX & BARTON, INC. ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY WILCOX & BARTON, INC. FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO WILCOX & BARTON, INC. OWNER SHALL INDEMNIFY AND HOLD HARMLESS WILCOX & BARTON, INC. FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

P&D REALTY

109 REFLECTION DR SANDWICH, MA

D'AGOSTINO'S DELICATESSEN

1297 MASS. AVE. ARLINGTON, MA

Map/Block/Lot: 59/1/10D

Site Plan

Scale	1" = 20'	Date	03/04/2020
Drafted By	RSR	Checked By	DLF
Project Mgr	RWB	Project Number	PDRE0001

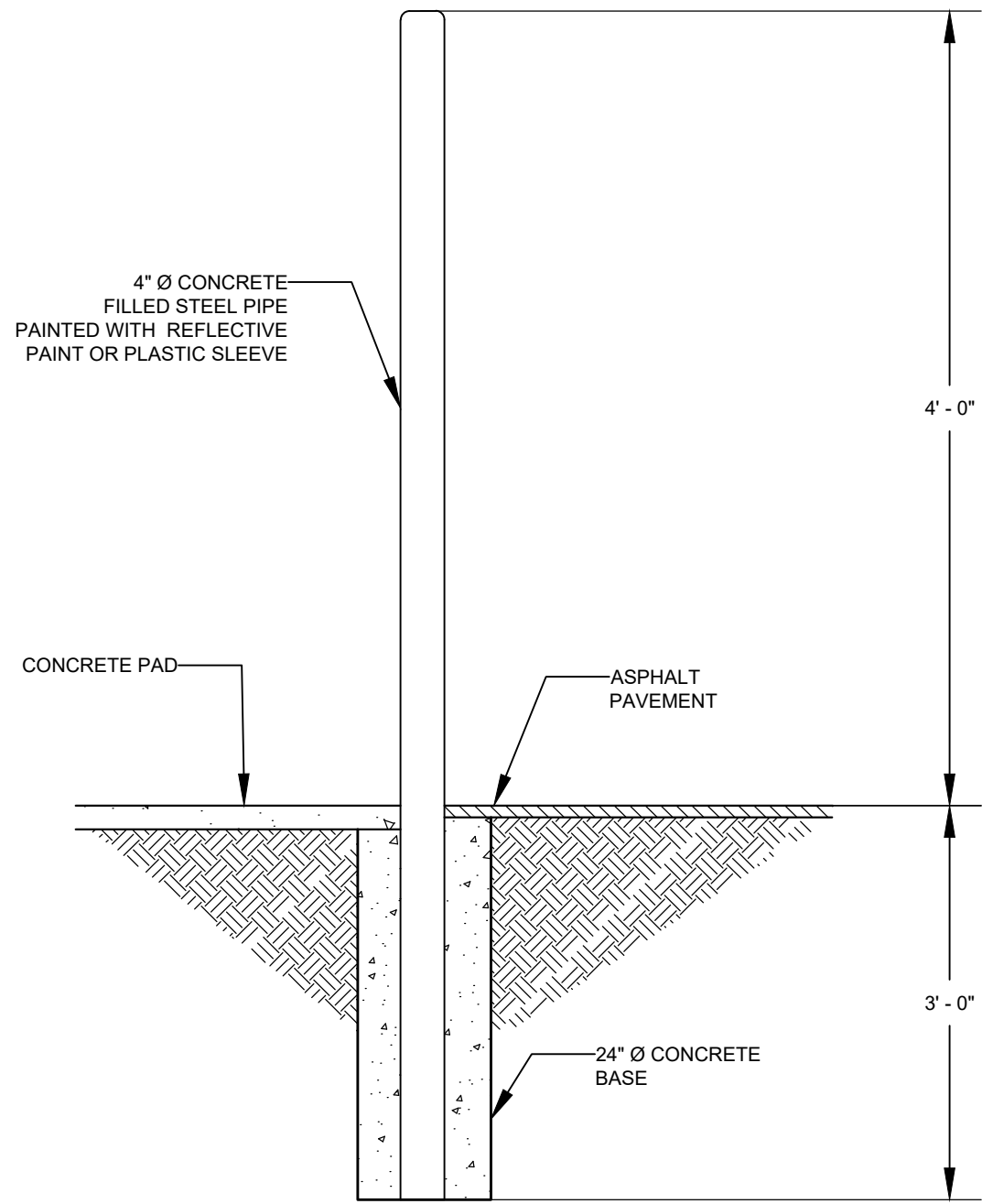
Sheet Number

C1.1

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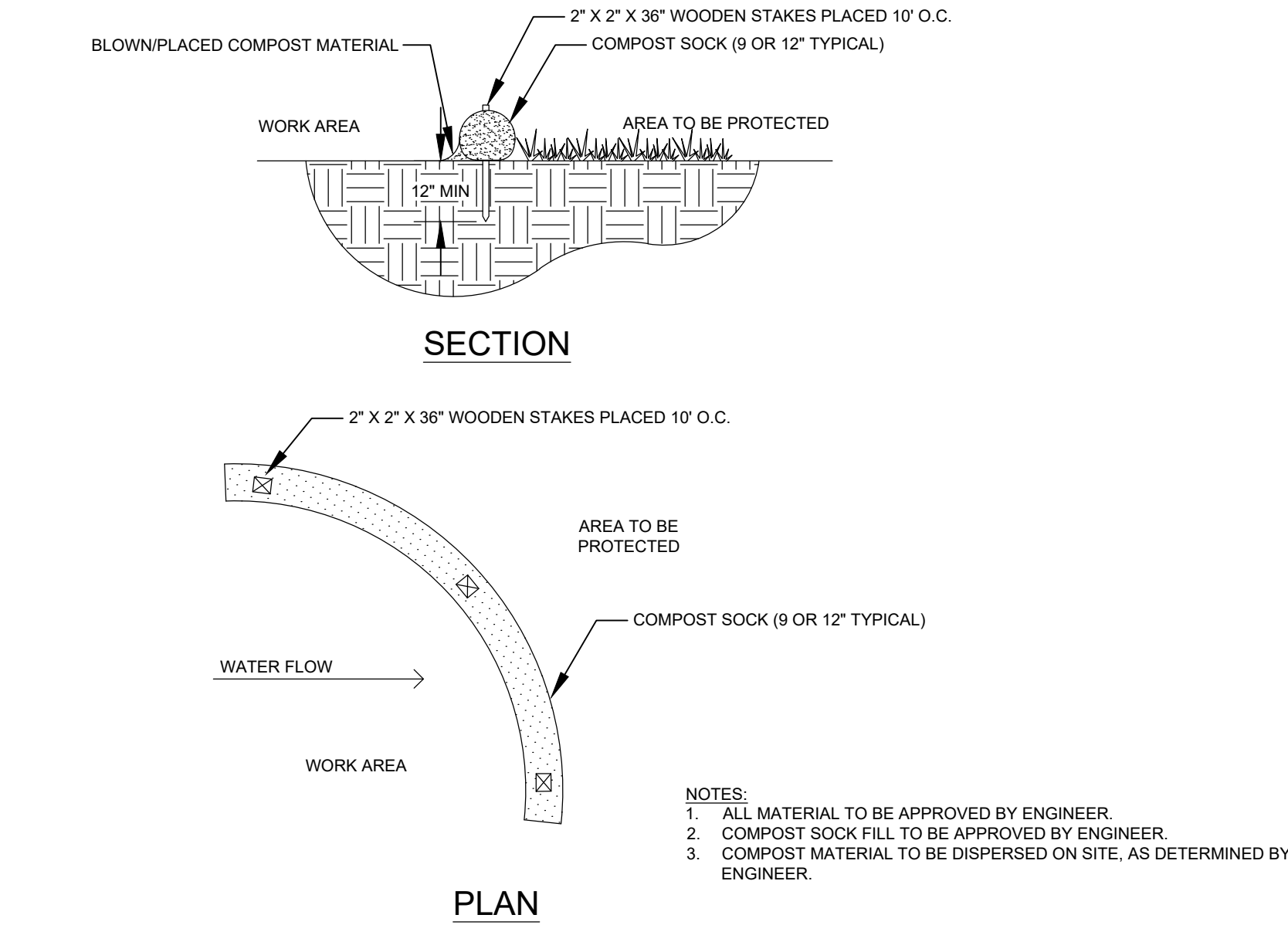


ENGINEER: DAVID L. FROTHINGHAM III
MA P.E. #53592



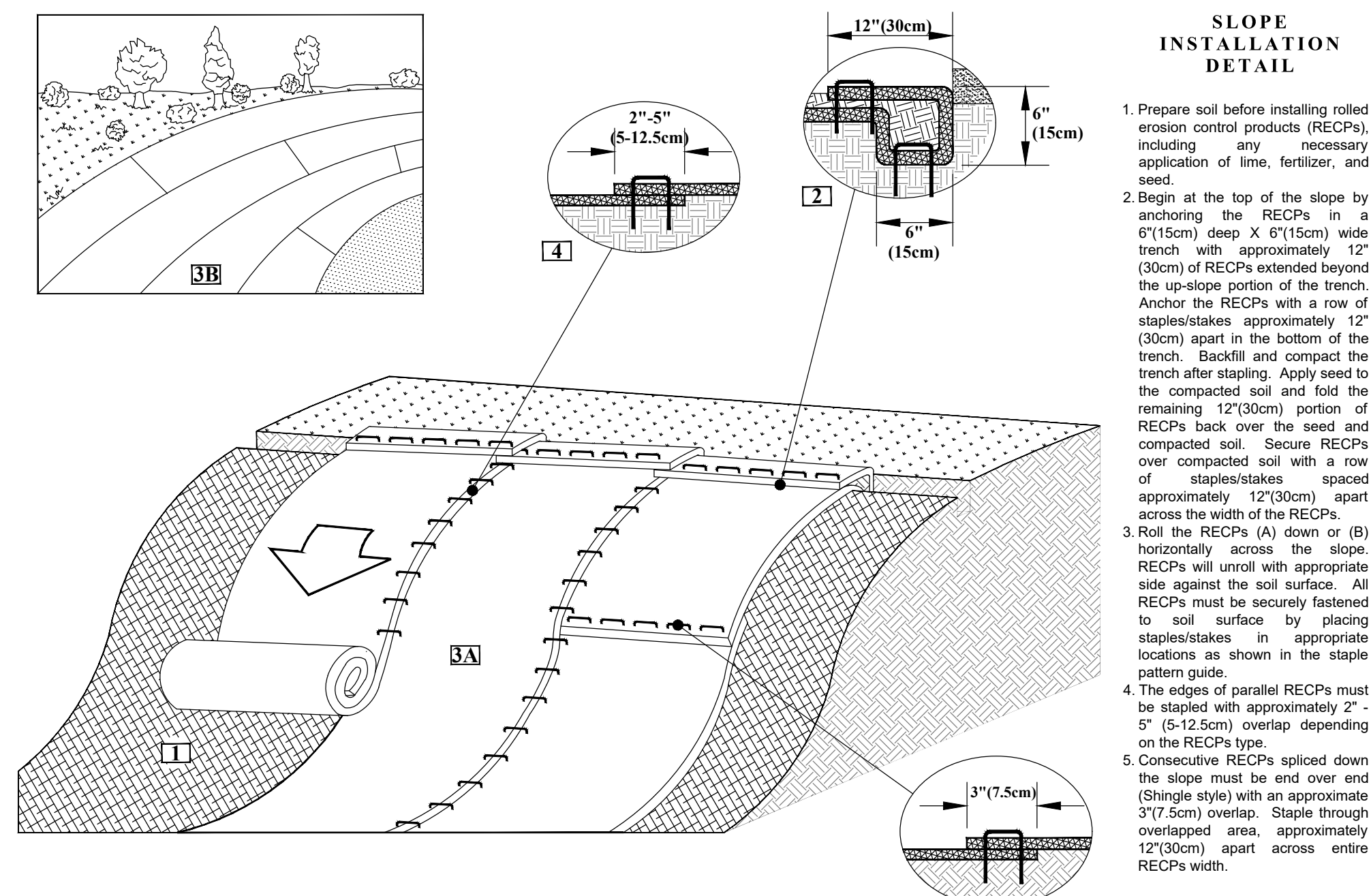
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SOURCE: WILCOX & BARTON, INC.
NOT TO SCALE



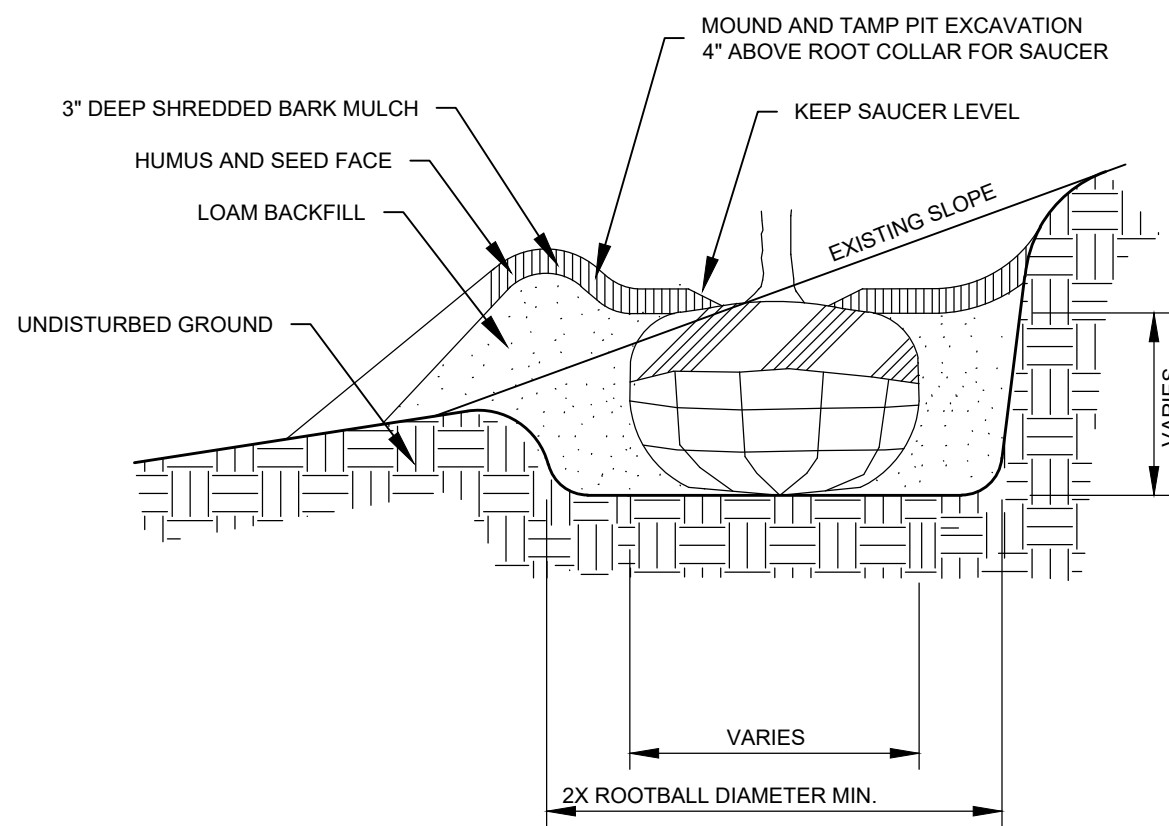
COMPOST SOCK OR FIBER ROLL SEDIMENT CONTROL

NOT TO SCALE



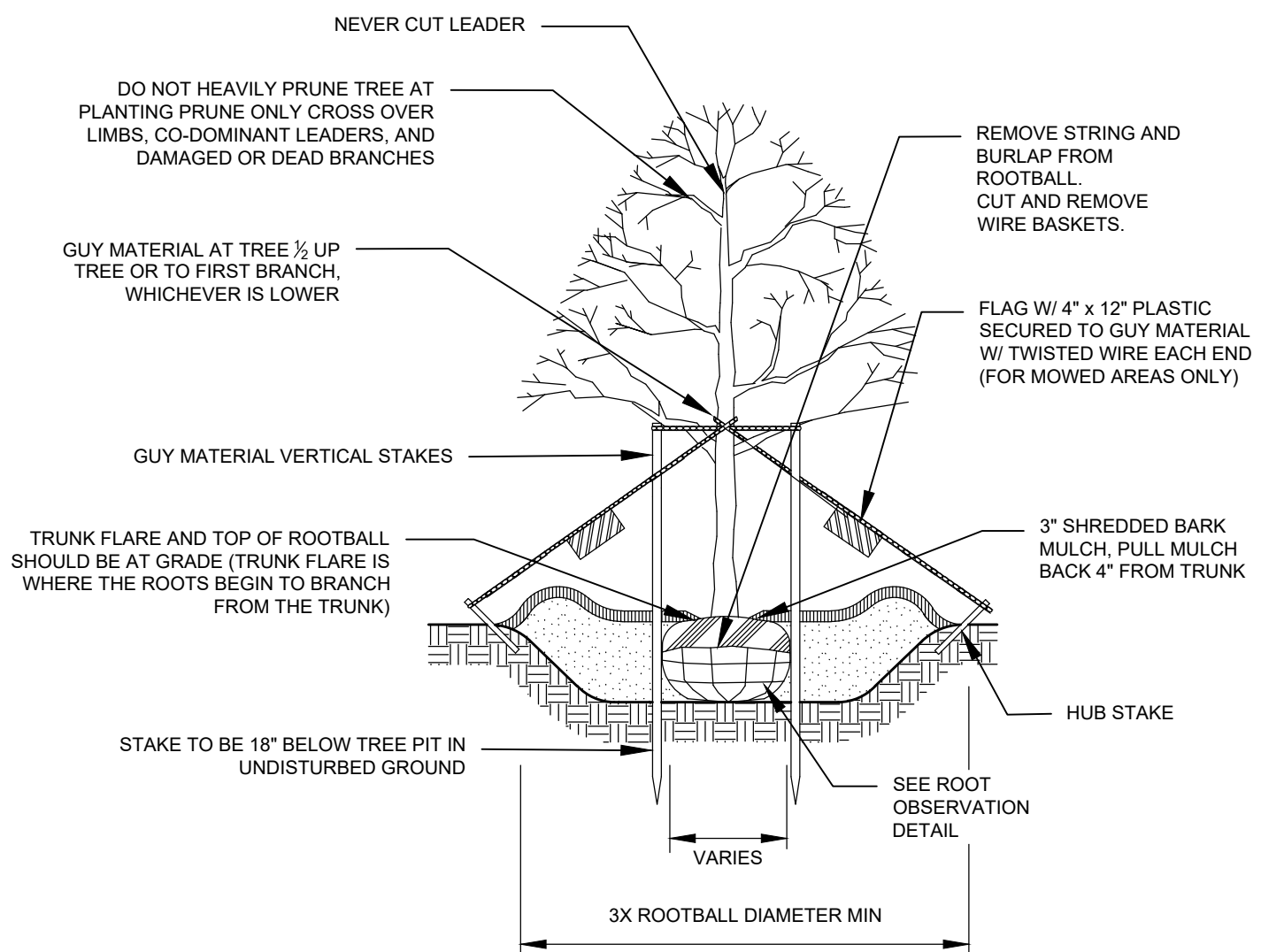
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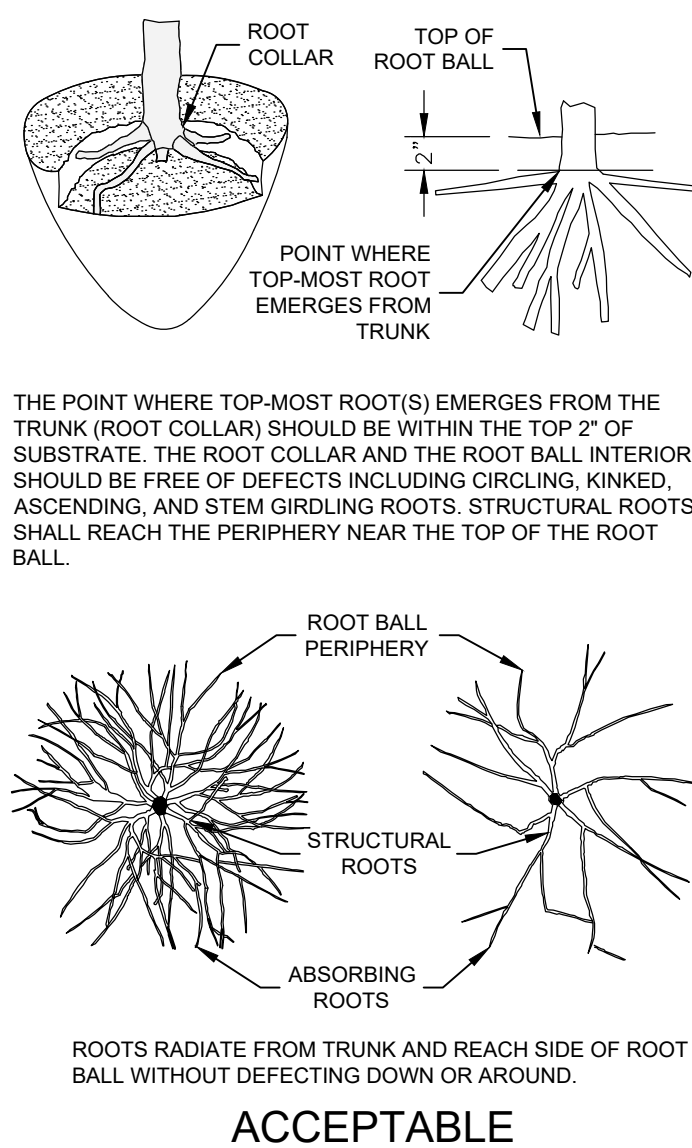
TYPICAL PLANTING PIT ON SLOPE 4:1 OR GREATER

NOT TO SCALE



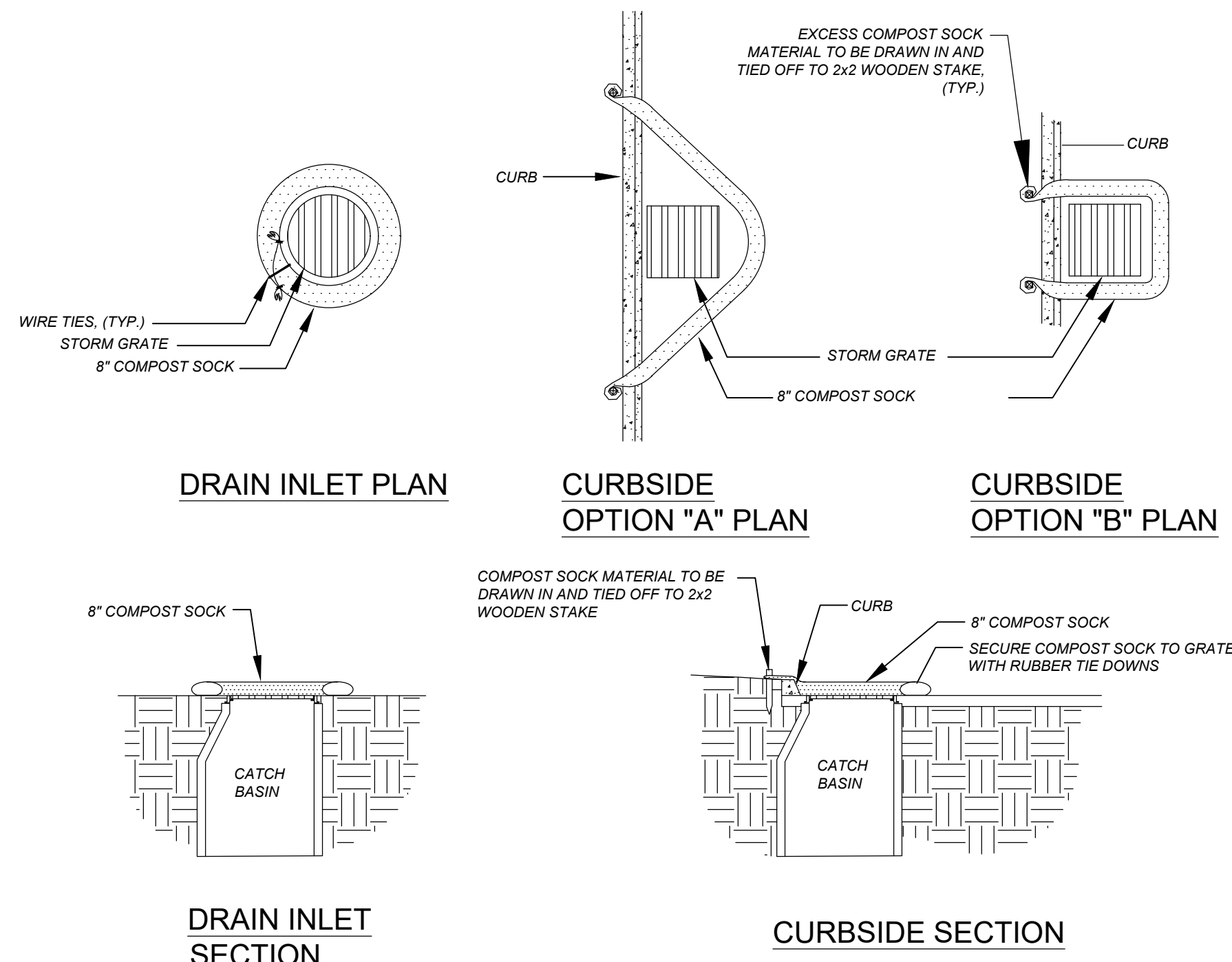
DECIDUOUS TREE PLANTING

NOT TO SCALE



ROOT OBSERVATION

NOT TO SCALE



SEDIMENT ROLL INLET PROTECTION

NOT TO SCALE

REVISION HISTORY

1.

Issued For

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Owner

P&D REALTY

109 REFLECTION DR
SANDWICH, MA

Site

D'AGOSTINO'S DELICATESSEN

1297 MASS. AVE.
ARLINGTON, MA


Map/Block/Lot: 59/1/10D

Drawing Title

Construction & Erosion Control Details

Scale	N.T.S.	Date	03/04/2020
Drafted By	RSR	Checked By	DLF
Project Mgr	RWB	Project Number	PDRE0001

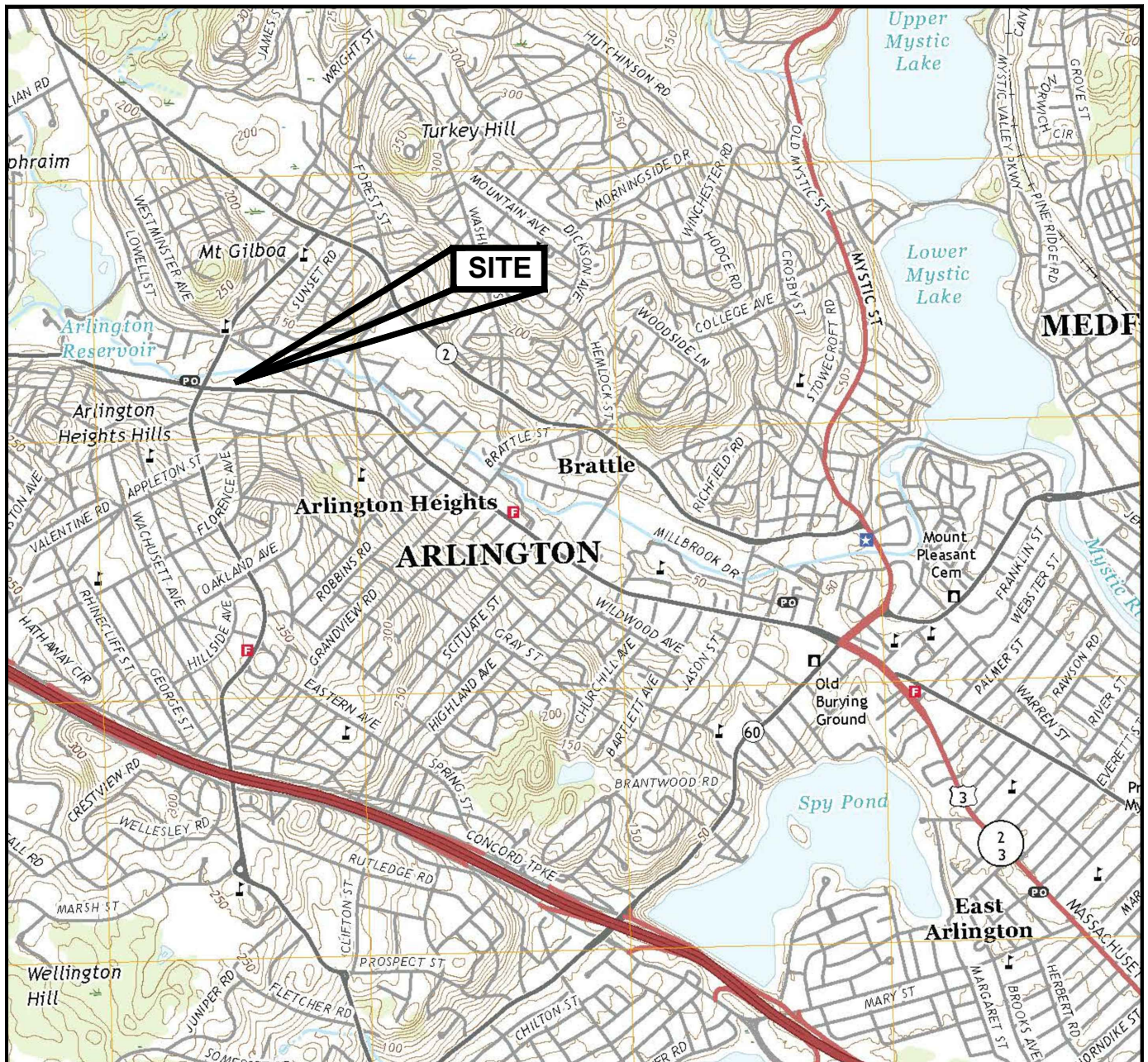
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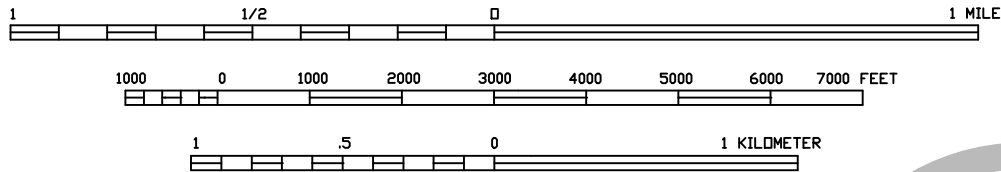
ENGINEER: DAVID L. FROTHINGHAM III
MA P.E. #53592

C5.1

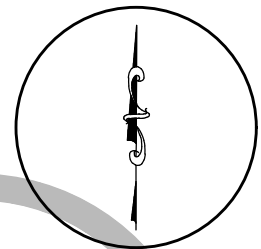
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SCALE: 1:24,000



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

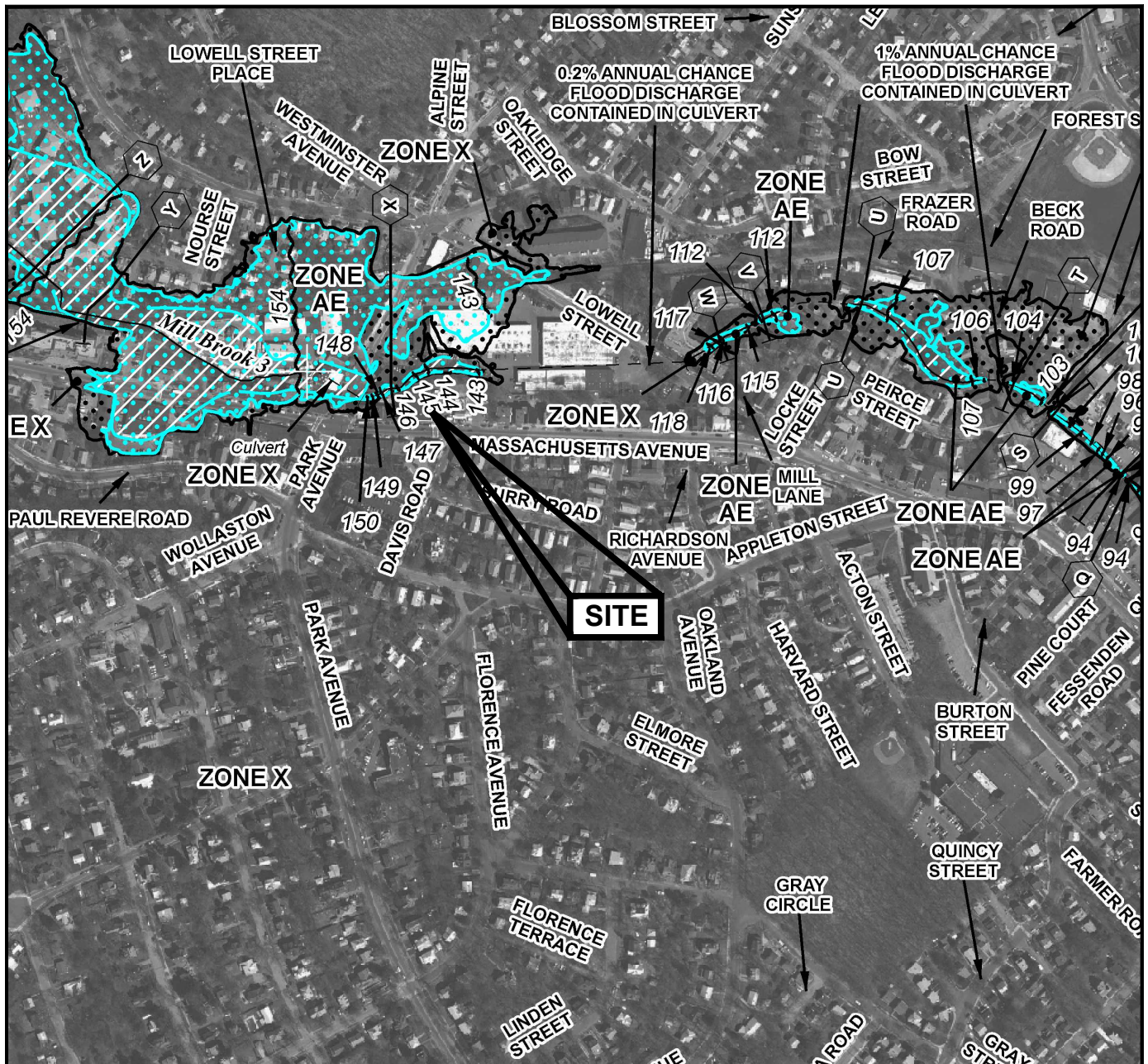


DATE MAR. 4, 2020	SCALE As shown	FILE Site Location Map
APPROVED BY RWB	DRAWN BY RSR	REVISED
CLIENT P&D Realty	JOB NUMBER PDRE0001	
LOCATION D'agostino's Food Store 1297 Massachusetts Ave. Arlington, MA 02476	MAP SOURCE Lexington, MA USGS QUAD 2018	

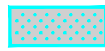
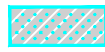
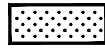
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SITE LOCATION MAP

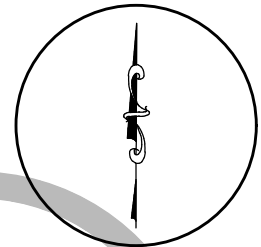
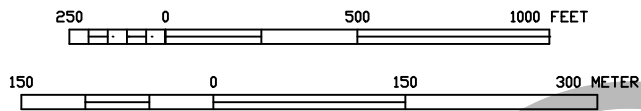
Figure 1



LEGEND

-  1% ANNUAL CHANCE FLOOD
-  ZONE AE
-  ZONE X

SCALE: 1" = 500'



DATE MAR. 04, 2020	SCALE As shown	FILE Floodplain Map
APPROVED BY ERL	DRAWN BY RSR	REVISED
CLIENT P&D Realty	JOB NUMBER PDRE0001	
LOCATION D'agostino's Food Store 1297 Massachusetts Ave. Arlington, MA 02476	MAP SOURCE FIRM Flood Insurance Rate Map Map No.: 25017C0416E June 4, 2010	

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FLOODPLAIN MAP

Figure 2

SITE PHOTOS



Figure 1: Northern view of front of grease trap and trash compactor.



Figure 2: Southern view of eastern side of trash compactor.



Figure 3: Northern view of front of grease trap.



Figure 4: Northeastern view of rear of grease trap.



Figure 5: Western view of top of bank behind grease trap.



Figure 6: Eastern view of top of bank behind grease trap.



Figure 7: Northern view of bank behind grease trap.



Figure 8: Southern view of bank behind grease trap.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
091-0321
MassDEP File #
eDEP Transaction #
Arlington
City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

1. From: Arlington
Conservation Commission
2. This issuance is for
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



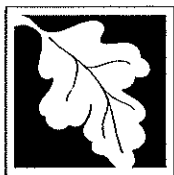
a. First Name P&D Realty b. Last Name _____
c. Organization _____
109 Reflection Drive
d. Mailing Address _____
Sandwich MA 02563.
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____
c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

1297 Massachusetts Avenue
a. Street Address b. City/Town Arlington
59 10.D
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known: 42d42m458s -71d18m177s
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
091-0321
MassDEP File #

eDEP Transaction #
Arlington
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Middlesex South
- | | |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 21176 | 327 |
| c. Book | d. Page |
7. Dates: 04/04/2020 05/21/2020 06/09/2020
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
D'Agostine's Delicatessen 1297 Mass Ave Arlington MA Permitting Plan
- | | |
|------------------------|----------------------------------|
| a. Plan Title | |
| Wilcox & Barton Inc | David L Frothingham III PE#53592 |
| b. Prepared By | c. Signed and Stamped by |
| 05/12/2020 | 1"=20' |
| d. Final Revision Date | e. Scale |
- | | |
|--------------------------------------|---------|
| f. Additional Plan or Document Title | g. Date |
|--------------------------------------|---------|

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- | | | |
|--|---|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input type="checkbox"/> Storm Damage Prevention | i. <input type="checkbox"/> Flood Control |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

091-0321

MassDEP File #

eDEP Transaction #

Arlington

City/Town

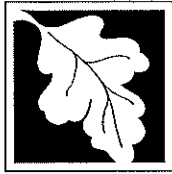
B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>2,700</u>	<u>2,700</u>		
	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u>2,700</u>	<u>2,700</u>		
	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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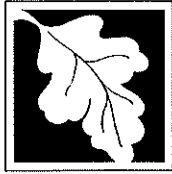
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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. ^{cu yd} nourishment	d. ^{cu yd} nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

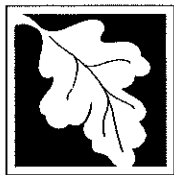
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 06/09/2023 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 091-0321 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☐ is subject to the Massachusetts Stormwater Standards
 - (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

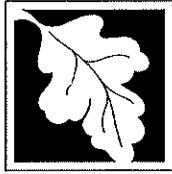
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Findings and Special Conditions

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The Arlington hereby finds (check one that applies):
Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Arlington Bylaw for Wetlands Protection

Title V, Art 8

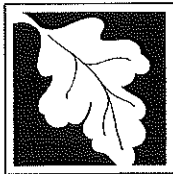
1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached Findings and Special Conditions



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

6/9/2020
1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

4
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Signature] [Signature]
[Signature] [Signature]

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

6/9/2020

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Arlington
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Arlington
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

1297 Massachusetts Avenue
Project Location

091-0321
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex South
County

21176
Book

327
Page

for: P&D Realty
Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

06/09/2020
Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

ARLINGTON CONSERVATION COMMISSION
APPROVAL ORDER OF CONDITIONS – 1297 Massachusetts Avenue
MassDEP File # 091-0321
UNDER THE WETLANDS PROTECTION ACT and ARLINGTON BYLAW FOR WETLANDS PROTECTION
6/9/2020

DOCUMENTS REVIEWED

1. Notice of Intent Packet for 1297 Massachusetts Avenue, Arlington, MA prepared by Wilcox and Barton, Inc., dated March 4, 2020.
2. Permitting Site Plan for 1297 Massachusetts Ave, prepared by Wilcox and Barton, Inc., stamped by David L Frothingham III PE #53592, dated March 4, 2020, revised May 12, 2020.
3. Construction and Erosion Control Details for 1297 Massachusetts Ave, prepared by Wilcox and Barton, Inc., stamped by David L Frothingham III PE #53592, dated March 4, 2020, revised May 12, 2020.
4. Response to First Round Conservation Comments, Supplemental Materials Packet, prepared by Wilcox and Barton, Inc., dated April 29, 2020.
5. Response to Second Round of Conservation Comments, Supplemental Materials Packet, prepared by Wilcox and Barton, Inc., dated May 12, 2020.

PROCEEDINGS

The Conservation Commission held a public hearing for the Notice of Intent on April 16, 2020 and May 7, 2020. The hearing was closed on May 7, 2020. The Commission deliberated on May 21, 2020 and voted 6-0-0 to approve the Project with conditions under the Wetlands Protection Act (the "Act") and voted 6-0-0 to approve the Project with conditions under the Arlington Wetlands Protection Bylaw (the "Bylaw").

**FINDINGS OF FACT AND LAW
UNDER ARLINGTON WETLANDS PROTECTION BYLAW
AND WETLANDS PROTECTION ACT**

- A. The project as approved involves: (1) remediating contaminated soil from a kitchen grease oil spill by removing and replacing the contaminated soil; (2) removing one existing tree and replacing it with two native trees; (3) restoring the area with native plantings; and (4) constructing two new traffic bollards behind the grease container.
- B. The project site is approximately 53,736 square feet containing two buildings with associated parking lots and driveways located at 1297 Massachusetts Avenue.
- C. The following Resource Areas are present on the site or within 100 feet of the lot lines: Bank, Adjacent Upland Resource Area ("AURA") (Bylaw), 100-ft Buffer Zone (Act), 200-ft Riverfront Area, and Mill Brook. The Commission finds accurate the delineation of Resource Areas shown on the approved plan for 1297 Massachusetts Avenue.
- D. The work proposes to remediate existing soil and restore the site with more native trees and vegetation than currently onsite. This area of impervious surface onsite will remain the same as current conditions.
- E. As mitigation, this project proposes to plant two native Red Maple trees, between 2.5-3.0 inch caliper. The project also proposes to restore the excavated area with a native seed mix and a native Fern variety that can tolerate the slope and shade of the site conditions, which may include Sweet Fern or Cinnamon Fern.

ARLINGTON CONSERVATION COMMISSION
APPROVAL ORDER OF CONDITIONS – 1297 Massachusetts Avenue
MassDEP File # 091-0321
UNDER THE WETLANDS PROTECTION ACT and ARLINGTON BYLAW FOR WETLANDS PROTECTION
6/9/2020

- F. As grease spill mitigation, the project proposes to implement a weekly inspection for the grease container with a standardized inspection report through which the Commission will be informed of any future grease spills. The project also proposes to install a spill kit onsite, to be used in the event of a future spill.
- G. Based on the testimony and evidence submitted at the public hearing, and review of the application materials and the documents listed above submitted during the public hearing, the Commission concludes that the proposed Project will not have a significant or cumulative effect upon the interests of the Wetlands Protection Act or the Resource Area values of the Arlington Wetlands Bylaw when the conditions imposed are implemented to protect the Resource Area values. With the conditions contained herein, the Commission finds that the Project meets the performance standards in the Bylaw Regulations and State Wetlands Regulations, 310 CMR 10.00.

Additional Special Conditions

In addition to the General Conditions (numbered 1 – 20 above), the Project is subject to the following Additional Special Conditions (under both the Act and Bylaw):

Pre-Construction

- 21. Work permitted by this Order and Permit shall conform to the Notice of Intent, the approved plans and documents (listed above), and oral representations (as recorded in hearing minutes) submitted or made by the Applicant and the Applicant's agents or representatives, as well as any plans and other data, information or representations submitted per these Conditions and approved by the Commission.
- 22. The provisions of this Order and Permit shall apply to and be binding upon the Applicant and Applicant's assignees, tenants, property management company, employees, contractors, and agents.
- 23. No work shall begin under this Order until: (a) all other required permits or approvals have been obtained and (b) the appeal period of ten (10) business days from the date of issue of this Order has expired without any appeal being filed, and (c) this Order has been recorded in the Registry of Deeds.
- 24. The Applicant shall ensure that a copy of this Order of Conditions and Permit for work, with any referenced plans, is available on site at all times, and that contractors, site managers, foremen, and sub-contractors understand its provisions.
- 25. Prior to starting work, the Applicant shall submit to the Commission the names and 24-hour phone numbers of project managers or the persons responsible for site work or mitigation.
- 26. Before work begins, erosion and sediment controls shall be installed at the limits of the work area. These will include 12 inch compost filter tubes around the entire work area (hay bales are not allowed and silt socks are preferred). The filter tubes shall be staked on the resource area side, and not through the filter tube.
- 27. The contractor shall contact the Conservation Agent (concomm@town.arlington.ma.us ; 781-316-3012) to arrange for a pre-construction meeting with the on-site project manager to walk through the

ARLINGTON CONSERVATION COMMISSION
APPROVAL ORDER OF CONDITIONS – 1297 Massachusetts Avenue
MassDEP File # 091-0321
UNDER THE WETLANDS PROTECTION ACT and ARLINGTON BYLAW FOR WETLANDS PROTECTION
6/9/2020

Order of Conditions and walk the site to confirm the installation and placement of erosion controls prior to the start of any grading or construction work.

28. The contractor shall provide written Notice of the work start date to the Conservation Agent 48 hours prior to start of work.
29. The Commission, its employees, and its agents shall have the right of entry onto the site to inspect for compliance with the terms of this Order of Conditions and Permit until a Certificate of Compliance has been issued.

Post-Construction

30. When requesting a Certificate of Compliance for this Order of Conditions, the Applicant must submit a written statement from either (1) Massachusetts professional engineer and registered land surveyor, or (2) registered land surveyor and landscape architect certifying that the completed work complies with the plans referenced in this Order, or provide an as-built plan and statement describing any differences.

Dumpsters

31. All dumpsters must be covered at the end of each work day, and no dumpsters will be allowed overnight within the 100 foot Buffer Zone or Adjacent Upland Resource Areas ("AURA") or other Resource Areas.

Stockpiling

32. No uncovered stockpiling of materials shall be permitted overnight within 100 feet of any waterway or water body. Stockpiling shall occur only where noted on approved plans.

Erosion Control

33. Areas that are disturbed by construction and access activities shall as soon as possible be brought to final grade and reseeded and restabilized, and shall be done so prior to the removal of erosion control barriers.
34. Erosion control measures shall be installed per the approved plans, including 12-inch compost socks staked on the resource area side of the site and confirmed during the pre-construction inspection.

Equipment

35. No heavy equipment may be stored overnight within 50 feet of the wetland and no refueling or maintenance of machinery shall be allowed within the 100-foot Buffer Zone, 200-foot Resource Area, and Adjacent Upland Resource Area or within any Resource Area.
36. Construction entrances shall be used and maintained only where noted on approved plans.
37. Arrangements shall be made for any rinsing of tools, equipment, etc. associated with on-site mixing or use of concrete or other materials such that the waste water is disposed of in the concrete wash out station-at least 50 feet from the resource area. In no case may water be discharged into or onto Resource Areas on or adjacent to the site. Any spillage of materials shall be cleaned up promptly.

ARLINGTON CONSERVATION COMMISSION
APPROVAL ORDER OF CONDITIONS – 1297 Massachusetts Avenue
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6/9/2020

Sweeping

38. Any dirt or debris spilled or tracked onto any paved streets shall be swept up and removed daily.

Plantings

39. All plantings shall be native and be installed and maintained according to the standards of the American Association of Nurserymen (AAN). **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**
40. All plantings planted through this project shall be maintained for three years. A survival rate of at least 75% must be maintained for the approved plantings. **The Conservation Agent shall be contacted by the Property Owner to conduct annual inspections of the plantings sometime between September 15- November 1 2021, 2022, and 2023.**

Chemicals

41. To avoid adding excess nitrogen runoff to Mill Brook, the Applicant shall only treat the approved planted area with slow release nitrogen fertilizer. Application of this fertilizer cannot occur in the summer, or after storm events. Lawn fertilizer shall only be applied twice a year, in spring and fall. No herbicides shall be used to treat invasive or unwanted plants. New plantings shall only be fertilized once, during the initial planting year. No pesticides or rodenticides shall be used to treat pest management issues within the Wetland Buffers Zone or Riverfront Area. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition in perpetuity.**

Pervious Surfaces

42. Pervious surfaces shown on the project plans shall be maintained and not be replaced by impervious surfaces. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**

Stormwater

43. The Applicant shall protect all adjacent catch basins using silt socks.

Grease Spill Mitigation

44. The Applicant shall implement a weekly inspection for the grease container with a standardized inspection report through which the Commission will be informed of any future grease spills. The inspection form shall be the same form submitted to the Commission in the Supplement Materials Packet dated May 12, 2020. Each completed inspection forms shall be kept and maintained in a secure location by the Applicant at the Project Site and be available for the Commission's review; each inspection form shall be kept for three years from the date of the inspection. **This shall be a continuing condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.**
45. The Applicant shall maintain a spill kit onsite, conforming to the specifications submitted to the Commission in the Supplement Materials Packet dated May 12, 2020. **This shall be a continuing**

ARLINGTON CONSERVATION COMMISSION
APPROVAL ORDER OF CONDITIONS – 1297 Massachusetts Avenue
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6/9/2020

condition that survives the expiration of the permit and shall be included in any Certificate of Compliance as a continuing condition.

April 29, 2020

Emily Sullivan
Environmental Planner & Conservation Agent
Town of Arlington Conservation Commission
730 Massachusetts Avenue, Annex
Arlington, Massachusetts 02476

**RE: Response to Conservation Commission Comments
D'Agostino's Delicatessen
1297 Massachusetts Avenue, Arlington, MA**

Dear Ms. Sullivan,

Wilcox & Barton, Inc. is pleased to submit this letter addressing the comments provided in the Conservation Commission public hearing held on April 16, 2020. Enclosed please find electronic copies of the revised site plans, weekly inspection record form for the subject property, and an applicable portion of a Massachusetts Office of Coastal Zone Management (CZM) list of native shrubs and groundcovers. The project plans have been revised as follows:

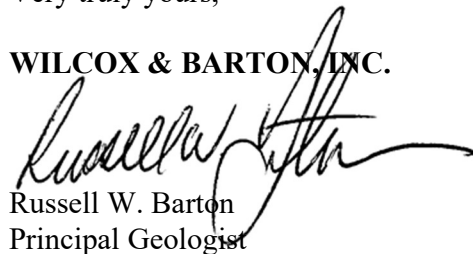
Commission Comments dated April 16, 2020

1. A weekly inspection record form for the subject property has been provided. See attached.
2. In addition to the erosion control matting and grass mix, Sweet Ferns (*Comptonia Peregrina*) are proposed to be planted throughout the proposed excavation area as specified on sheets C1.1 and C5.1. See the attached CZM list for details on Sweet Ferns.
3. Proposed perimeter erosion and sediment controls during construction shall be 12-inch compost socks. See sheets C1.1 and C5.1.

If you have any questions, or require additional information, please contact me at (603) 369-4190 x502.

Very truly yours,

WILCOX & BARTON, INC.



Russell W. Barton
Principal Geologist

Attachments: Revised Site Plan Sheets
- C1.1 Site Plan
- C5.1 Construction & Erosion Control Details
Weekly Inspection Record Form
CZM Native Shrubs and Groundcovers List

WEEKLY INSPECTION RECORD
D'Agostino's Food Store - Used Vegetable Oil Storage Container
1297 Massachusetts Avenue
Arlington, Massachusetts 02476

Current Inspection Date _____
 Previous Inspection Date _____
 Note: NA = not applicable

Inspector: _____
 Previous Action Issues Addressed: YES _____ NO _____

Include any required action items in comments.

Storage Container Name
Storage Area Containment <div style="margin-left: 40px;"> Container free of rust, weeps, wet spots, or excessive dents Area around container free from debris Container free from threats of snow or ice Container properly position Container openings properly sealed Is container accessible Oil staining below lid or on tank exterior Percentage full upon inspection </div>

Grease Container		
YES	NO	NA
_____ %		

*Container to be emptied when 90% full.

GENERAL
<div style="margin-left: 100px;"> Container due to be pumped out Container lid locked </div> <div style="margin-left: 20px; margin-top: 10px;"> Other: _____ </div>

YES	NO	NA

Inspector's Signature

Date

Comments: _____

Page _____

Scheduled container replacement date is 2030.

Coastal Landscaping in Massachusetts

Plant Highlights and Images: Shrubs and Groundcovers

This PDF document provides graphics and additional information to supplement the Massachusetts Office of Coastal Zone Management (CZM) [Coastal Landscaping Website](#).

The following list provides descriptions and photographs of some of the most common and useful shrubs and groundcovers appropriate for coastal landscaping projects in Massachusetts. Unless otherwise noted, the listed plants are *native* to Massachusetts. For more coastal plants, see [Plant Highlights and Images](#) for PDF fact sheets on Grasses/Perennials and Trees.

Shrubs and Groundcovers

Arrowwood Viburnum (*Viburnum dentatum*)



Photo: University of Connecticut Plant Database

Arrowwood viburnum is a dense, multi-stemmed shrub that typically grows 5 to 9 feet tall and wide. The branches are upright and spreading and arch at the tips. The leaves are either a shiny or flat dark green and turn yellow or red to red-purple in the late fall. The showy flowers are small, white, flattened clusters, which bloom late May to early June. The fruit, which can be of an intense blue color, is ornamental and a food source for birds. Arrowwood is very easy to grow, being well adapted to full sun or partial shade and to dry or fairly wet soils. Arrowwood is useful for its hardiness, as a border or screen, for naturalized plantings, to attract birds, and for difficult sites. This shrub is free from serious problems, with the only main maintenance requirement being an occasional rejuvenation pruning.

Beach Heather (*Hudsonia tomentosa*)



Photo: Richard A. Howard Image Collection, courtesy of Smithsonian Institution

Beach heather is a low-growing perennial shrub that thrives in nutritionally poor sand, therefore making it a dominant species in the dune ecosystem. Beach heather is beneficial for other plants because it enriches the soil with nitrogen. Beach heather has scaly leaves covered with fine, hair-like structures that protect the plant from moisture loss due to the wind and the sun's heat. Off the tips of the branches grow clusters of bright yellow flowers. Beach heather functions to stabilize dunes with its carpet-like surface area that catches and holds the sand in place and its network of roots that binds the sediments.

Shrubs and Groundcovers

Red Chokeberry (*Aronia arbutifolia*)



Photo: University of Connecticut Plant Database

Red chokeberry is native throughout most of the eastern United States and is found in various habitats from dry hillsides to wetland areas. This deciduous shrub grows from 6 to 10 feet tall and 3 to 5 feet wide. It is a suckering, spreading, colonizing shrub with numerous, slender stems. Red chokeberry is tolerant of partial shade and of both dry and wet sites. It can be transplanted easily and is valued for its summer flowers, persistent fruit, and colorful fall foliage. It is useful for naturalistic plantings, bank and dune stabilization, colonization and mass plantings, or borders in a garden.

Shrubby Cinquefoil (*Potentilla fruticosa*)



Photo: CZM

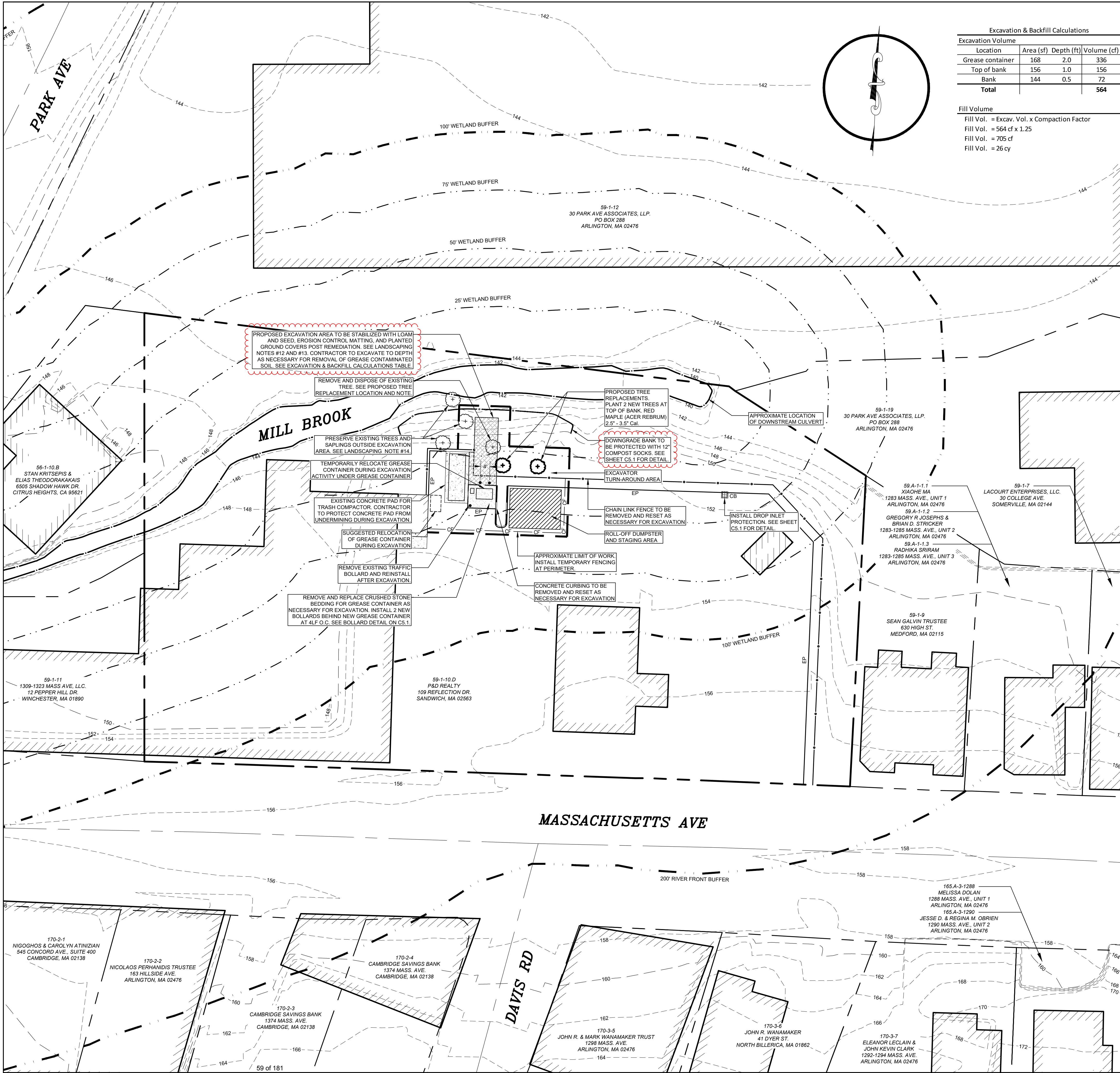
Also known as bush cinquefoil, this deciduous shrub typically grows 2 to 4 feet high and has a mound-shaped form and compound pinnate leaves. The five-petaled, bright-yellow flowers have a long blooming period, often appearing in the spring and continuing through early fall. Though shrubby cinquefoil does best in fertile, medium-moisture, well-drained soils in full sun, established plants grow well in a wide range of conditions, are fairly resistant to drought and saline soils, and are tolerant of some shade. Shrubby cinquefoil is also very tolerant of cold. The dense growth of this shrub provides cover for wildlife, the seed capsules provide fall and winter food for birds, and the flowers provide an excellent source of nectar for bees and butterflies. The variety 'Pink Beauty' is shown in the photograph.

Sweet Fern (*Comptonia peregrina*)



Photo: CZM

Sweet fern is a low-growing, deciduous native shrub that is 2 to 4 feet in height, with sweet-scented, fern-like leaves that are particularly aromatic when crushed. Sweet fern is a loosely branched, spreading, and colonizing plant. The flowers are small, inconspicuous catkins that bloom from April to May. Sweet fern is extremely cold hardy and prefers acidic, sandy, or peaty soils with low fertility, but does not tolerate shading. Sweet fern produces many underground stems or rhizomes, making it an effective groundcover for erosion control on steep, sandy banks and for species diversity in sterile, sandy soils.



Excavation & Backfill Calculations			
Excavation Volume			
Location	Area (sf)	Depth (ft)	Volume (cf)
Grease container	168	2.0	336
Top of bank	156	1.0	156
Bank	144	0.5	72
Total			564

Fill Volume
Fill Vol. = Excav. Vol. x Compaction Factor
Fill Vol. = 564 cf x 1.25
Fill Vol. = 705 cf
Fill Vol. = 26 cy

LEGEND	
	PROPERTY LINE
	ABUTTER'S PROPERTY LINE
	MAJOR CONTOUR
	MINOR CONTOUR
	BUILDINGS
	ROADWAY CENTERLINE
	EDGE OF PAVEMENT
	CURB
	CONCRETE PAD
	CHAIN LINK FENCE
	EDGE OF WETLAND/WATERWAY
	200' RIVERFRONT BUFFER
	100' WETLAND/WATERWAY BUFFER
	WETLAND/WATERWAY BUFFER
	TEMPORARY FENCE
	COMPOST SOCKS
	LIMIT OF WORK
	CATCH BASINS
	INLET PROTECTION
	DECIDUOUS TREES

GENERAL NOTES:

- EXISTING CONDITIONS, NORTH ORIENTATION, AND COORDINATE VALUES DEPICTED ON THESE DRAWINGS ARE BASED ON DATA COLLECTED AND PROVIDED BY THE BUREAU OF GEOGRAPHIC INFORMATION (MASSGIS), COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF TECHNOLOGY AND SECURITY SERVICES. 1.1. STRUCTURES LAYER UPDATED AUGUST 2019 1.2. TAX PARCELS LAYER UPDATED JANUARY 2020 1.3. ROAD CENTER LINES LAYER UPDATED NOVEMBER 2018

- TOPOGRAPHICAL INFORMATION PROVIDED BY THE TOWN OF ARLINGTON, MA GIS DATA "2-FOOT ELEVATION CONTOURS" DATED 2018.

- CONTRACTOR IS RESPONSIBLE FOR ADEQUATE BRACING OF WALLS AND/OR SHORING OF EXCAVATIONS DURING CONSTRUCTION.

- THE CONTRACTOR SHALL REVIEW AND STAMP ALL SHOP DRAWINGS AND SUBMITTALS BEFORE SUBMISSION TO THE ENGINEER. THUS, PROVIDING ANY INFORMATION REQUIRED OF THE FABRICATOR SUCH AS FIELD DIMENSIONS, ELEVATIONS, ETC. OTHERWISE THE SHOP DRAWINGS OR SUBMITTALS WILL BE REJECTED UNTIL SUCH INFORMATION IS FURNISHED BY THE CONTRACTOR.

- BACKFILL SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT. ASTM D1557.

- THE CONTRACTOR SHALL CONTACT DIG-SAFE (1-888-DIG-SAFE) AT LEAST 48 HOURS AND LESS THAN 30 DAYS PRIOR TO STARTING CONSTRUCTION AND SHALL VERIFY ALL UTILITY LOCATIONS IN THE FIELD.

- CONTRACTOR WILL NOTIFY ENGINEERS IMMEDIATELY IF SITE CONDITIONS DIFFER FROM WHAT IS SHOWN ON PLAN.

LANDSCAPING NOTES:

- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH PLANTING OPERATIONS

- LANDSCAPING CONTRACTOR SHALL RECEIVE SITE GRADE TO +/- 0.10 FOOT.

- ALL PLANT MATERIALS AND FINAL LOCATION OF ALL PLANT MATERIALS SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION

- IF CONFLICTS ARISE BETWEEN SIZE OF AREAS AND PLANS, CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR IMMEDIATE RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN CONTRACTOR'S LIABILITY TO RELOCATE THE MATERIALS.

- CONTRACTOR SHALL FURNISH PLANT MATERIALS FREE OF PESTS OR PLANT DISEASES. PRE-SELECTED OR "TAGGED" MATERIAL MUST BE INSPECTED BY THE CONTRACTOR AND CERTIFIED AS PEST AND DISEASE FREE. IT IS THE CONTRACTOR'S OBLIGATION TO WARRANTY ALL PLANT MATERIALS.

- ALL GROUND COVERS SHALL BE TRIANGULARLY SPACED UNLESS OTHERWISE NOTED.

- CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF ANY EXISTING MATERIALS DAMAGED DURING PLANTING OPERATIONS.

- ALL LANDSCAPE AREAS SHALL BE COVERED WITH 2-INCHES OF ORGANIC BARK MULCH UNLESS OTHERWISE NOTED.

- AREAS SHOWN AS GROUND COVER AT THE BASE OF TREE AND SHRUB MATERIALS MUST CONFORM TO THE FOLLOWING CRITERIA. THERE SHALL BE NO GROUND COVER PLANT MATERIAL AT THE BASE OF THE TREE OR SHRUB AS FOLLOWS: A) 4-FOOT RADIUS AROUND EVERGREEN TREES, B) 3-FOOT RADIUS AROUND DECIDUOUS TREES, AND C) 2-FOOT RADIUS AROUND LARGE SHRUBS.

- FINAL PLACEMENT OF ALL PLANT MATERIALS SHALL BE SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE PRIOR TO FINAL PLACEMENT AND BACKFILL. CONTACT OWNER'S REPRESENTATIVE 24-HOURS PRIOR TO PLACEMENT FOR APPROVAL.

- ALL DISTURBED AREAS, UNLESS OTHERWISE NOTED, TO BE LOAM, SEEDED, AND MULCHED.

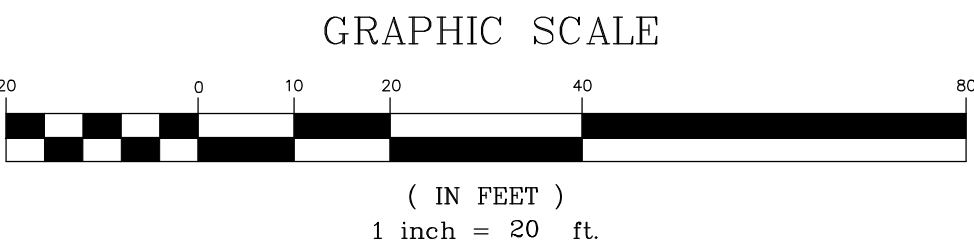
- CONTRACTOR TO USE NORTH AMERICAN GREEN BIONET SC108N MATTING FOR ALL EROSION CONTROL MATTING. 70% STRAW / 30% COCONUT FIBER MATRIX.

- CONTRACTOR TO USE SWEET FERNS (COMPTONIA PEREGRINA) FOR ALL GROUND COVER PLANTINGS. SWEET FERNS SHALL BE PLANTED WITHIN THE EXCAVATION AREA NORTH OF THE EXISTING CHAIN LINK FENCE AND SPACED AT 2 FT TO 3 FT. SEE SHEET C5.1 FOR INSTALLATION DETAILS.

- CONTRACTOR SHALL PRESERVE AND PROTECT EXISTING TREE ROOTS. IF ADDITIONAL TREES NEED TO BE IMPACTED FOR REMEDIATION ACTIVITIES CONTACT ENGINEER IMMEDIATELY.

EROSION CONTROL SEED		
SEED	BY % MASS	% GERMINATION (MIN)
WINTER RYE 80 (MIN)	80 (MIN)	85
RED FESCUE (CREEPING)	4 (MIN)	80
PERENNIAL GRASS	3 (MIN)	90
RED CLOVER	3 (MIN)	90
OTHER CROP GRASS	0.5 (MAX)	
NOXIOUS WEED SEED	0.5 (MAX)	
INERT MATTER	1.0 (MAX)	

PERMANENT SEED MIX		
SEED	BY % MASS	% GERMINATION (MIN)
RED FESCUE (CREEPING)	50	85
KENTUCKY BLUE	25	85
PERENNIAL RYE GRASS	10	90
RED TOP	10	85
LANDINO CLOVER	5	85



Wilcox & Barton INC.
CIVIL • ENVIRONMENTAL • GEOTECHNICAL

2 CAPITAL PLAZA, SUITE 305
CONCORD, NH 03301
603-369-4190
www.wilcoxandbarton.com

REVISION HISTORY
1. RESPONSE TO CONSERVATION COMMISSION COMMENTS
(04/24/2020)

Permitting

ALL DOCUMENTS PREPARED BY WILCOX & BARTON, INC. ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY WILCOX & BARTON, INC. FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO WILCOX & BARTON, INC. OWNER SHALL INDEMNIFY AND HOLD HARMLESS WILCOX & BARTON, INC. FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

Owner

P&D REALTY 109 REFLECTION DR SANDWICH, MA

D'AGOSTINO'S DELICATESSEN

1297 MASS. AVE. ARLINGTON, MA

Map/Block/Lot: 59/1/10D

Drawing Title

Site Plan

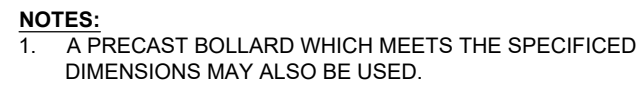
Scale	1" = 20'	Date	03/04/2020
Drafted By	RSR	Checked By	DLF
Project Mgr	RWB	Project Number	PDRE0001
		Sheet Number	



ENGINEER: DAVID L. FROTHINGHAM III
MA P.E. #53592

C1.1

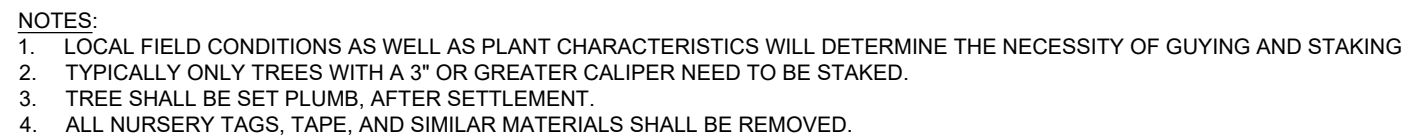
1 of 2



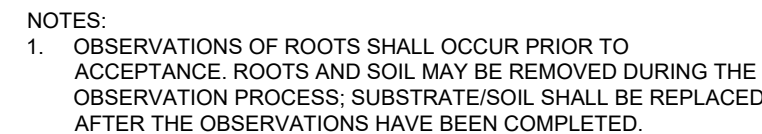
SOURCE: WILCOX & BARTON, INC
NOT TO SCALE

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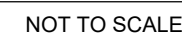
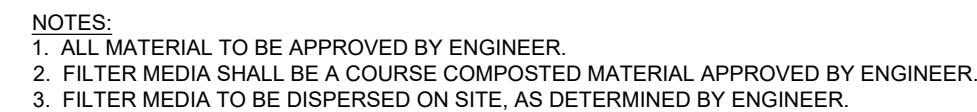
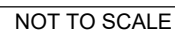
*NOTE:
In loose soil conditions, the use of staple or stake lengths greater than 6"(15cm) may be necessary to properly secure the RECP's.



NOT TO SCALE



NOT TO SCALE



May 12, 2020

Emily Sullivan
Environmental Planner & Conservation Agent
Town of Arlington Conservation Commission
730 Massachusetts Avenue, Annex
Arlington, Massachusetts 02476

**RE: Response to Conservation Commission Comments
D'Agostino's Delicatessen
1297 Massachusetts Avenue, Arlington, MA**

Dear Ms. Sullivan,

Wilcox & Barton, Inc. is pleased to submit this letter addressing the comments provided in the Conservation Commission public hearing held on May 7, 2020. Enclosed please find electronic copies of the revised site plans, weekly inspection record form for the subject property, spill response kit inventory list, and PIG Spill Kit278 specifications. The project plans and inspection form have been revised as follows:

Commission Comments dated May 7, 2020

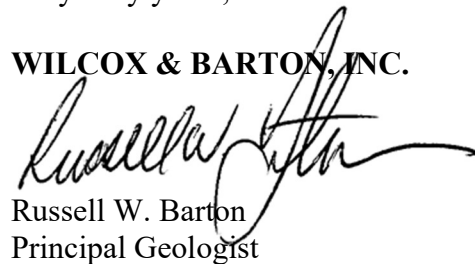
1. The Compost Sock Sediment Control installation detail specifies stakes shall be set on the side of the compost socks in the proposed area to be protected instead of through the center of the socks. See sheet C5.1.
2. We have evaluated the use of Cinnamon Ferns (*Osmundastrum Cinnamomeum*) for the proposed shrub plantings in-place of the proposed Sweet Ferns (*Comptonia Peregrina*). Of the two ferns, the Sweet Fern is more suitable for the proposed excavation area. Cinnamon ferns are a type of wetland plant (indicator code FACW), which require soils with a high moisture content or regular saturation during growing seasons. The proposed excavation area is an upland area 5 feet to 11 feet above the seasonal high-water line of Mill Brook. The area most likely consists of some granular fill material from previous land development and is on a bank with slopes of 2:1 and greater. Given these characteristics, the proposed excavation area soils likely do not contain the characteristics ideal for wetland classified plants. Sweet Ferns are not a wetland plant, requiring less water and may be established in drier soils. Furthermore, the current habitat of the proposed excavation area is more accurately describable as a man-made or disturbed habitat, which is more suitable for Sweet Ferns, and not a wetland area ideal for Cinnamon Ferns and like plants. To best stabilize disturbed areas in post construction, we recommend using Sweet Ferns as proposed shrub plantings. See sheet C1.1.
3. A spill kit shall be maintained at the site so that, in the event of a spill, clean-up materials are readily available. See attached Spill Response Kit Inventory List.

4. The following items have been added to the Weekly Inspection Record Form.
- Scheduled pump out date added to “Container due to be pumped out” reference under General.
 - Foot note added to notify Conservation Commission with phone number in the event of a spill.
 - Foot note added that weekly log records shall be maintained on site for a period of three years and that logs shall be available to Conservation Commission upon request.

If you have any questions, or require additional information, please contact me at (603) 369-4190 x502.

Very truly yours,

WILCOX & BARTON, INC.



Russell W. Barton
Principal Geologist

Attachments: Revised Site Plan Sheets
 - C1.1 Site Plan
 - C5.1 Construction & Erosion Control Details
 Weekly Inspection Record Form
 Spill Response Kit Inventory List
 PIG Spill Kit278 Specifications

WEEKLY INSPECTION RECORD

D'Agostino's Delicatessen - Used Vegetable Oil Storage Container
1297 Massachusetts Avenue
Arlington, Massachusetts 02476

Current Inspection Date _____

Inspector: _____

Previous Inspection Date _____

Note: NA = not applicable

Previous Action Issues Addressed: YES _____ NO _____

Include any required action items in comments.

Storage Container Name
<u>Storage Area Containment</u>
Container free of rust, weeps, wet spots, or excessive dents
Area around container free from debris
Container free from threats of snow or ice
Container in proper position
Container openings properly sealed
Is container accessible
Oil staining below lid or on tank exterior
Percentage full upon inspection

Grease Container		
YES	NO	NA
_____ %		

*Container to be emptied when 90% full.

GENERAL
Container lid locked
Container due to be pumped out
Other: _____

YES	NO	NA
Date: _____		

Inspector's Signature

Date

Comments: _____

Page _____

Scheduled container replacement date is 2030.

In the event of a spill, please notify Arlington Conservation Commission at (781) 316-3012.

Weekly log records shall be maintained on site for a period of 3 years, and shall be available to the Arlington Conservation Commission upon request.

SPILL RESPONSE KIT INVENTORY LIST
D'Agostino's Delicatessen
1297 Massachusetts Avenue
Arlington, Massachusetts

The following items are provided in the on-site oil spill response kit or are staged within the operating area of the site. Spill response materials are to be well-marked and kept in a readily accessible location that is known to staff. Staff must be familiar with the location and contents of the spill kit(s).

Spill response materials at this facility include:

Quantity	Units	Item
1	ea	Container to hold contents of spill kit and contaminated materials
1	bags	Loose absorbents for oil (e.g., Speedi-Dry)
4	bales	Absorbent socks/pads/wipes/pillows
1	box	Nitrile/latex gloves
1	ea	Dedicated shovel
1	ea	Dedicated push broom
2	ea	Plastic disposable bags

Verify quantity on-hand during a monthly inspection. Immediately replace any missing items.

PIG® Spill Kit in See-Thru Container

KIT278 Absorbs up to 12 gal., Absorbs Oils, Coolants, Solvents, Water – Universal

Roll your absorbents right to the spill with this wheeled mobile rapid-response, see-through spill kit.

- Durable polypropylene container with snap-tight lid protects absorbents from dirt and moisture
- Equipped with 1.5" casters for easy rolling over smooth surfaces
- PIG Blue Socks stop spreading spills; PIG Mat and Pillows absorb quickly; PIG Lite-Dri Loose Absorbent speeds final cleanup on rough surfaces or crevices
- Prepacked container provides easy access to contents
- Temporary disposal bags help make cleanup easier
- Small footprint is ideal for storage closets and other tight spaces
- Only PIG Spill Kits feature PIG Absorbents proven for rapid response
- For information on custom spill kits, just call 1-800-HOT-HOGS (468-4647)
- Spill Kit dimensions are approximate



Specifications

Wheels Included	Yes	
Container Type	Can	
Fluid Absorbed	Oils, Coolants, Solvents, Water – Universal	
Color	Clear	
Dimensions	14.8125" W x 19.3125" L x 23.6875" H	
Absorbency	Up to 12 gal.	
Brand	PIG	
High Visibility	No	
See-Through	Yes	
Sold as	1 each	
Weight	23 lbs.	
# per Pallet	12	65 of 181
Composition	Container - Polypropylene	

	Mats - Polypropylene Socks Skin, Pillow Skin - Polypropylene Sock Filler - Magnesium Aluminosilicate Pillows Filler - Recycled Cellulose
--	---

Includes

4 - ext. dia. 3" x 48" L PIG® Blue Absorbent Sock (4048)
 25 - 15" W x 20" L PIG® Absorbent Mat Pad (MAT203)
 2 - 10" W x 10" L x 2" H PIG® Absorbent Pillow (PIL204)
 1 - PIG® Lite-Dri® Loose Absorbent (PLP218)
 2 - 18" W x 30" H Polyethylene Disposal Bags (BAG201-S)
 1 - Clear Container

UNSPSC	47131905
--------	----------

UV Resistant	No
--------------	----

Wheels	(4) 1.5" Plastic Swivel Wheels
--------	--------------------------------

Pigalog® Page Number Page 100

Metric Equivalent

Absorbency	Up to 45.4 L
------------	--------------

Dimensions	37.6cm W x 49.1cm L x 60.2cm H
------------	--------------------------------

Weight	10.4 kg
--------	---------

Technical Information

Technical Documents

[PIG Spill Kits](#)

[PIG Universal Absorbent Mats](#)

[Instructions for PIG Spill Kits](#)

[PIG® LITE-DRI® Loose Absorbent](#)

[PIG® Universal Absorbents](#)

[BLUE PIG® Absorbents](#)

[SUPER PIG® & PIG® Pillow absorbents](#)

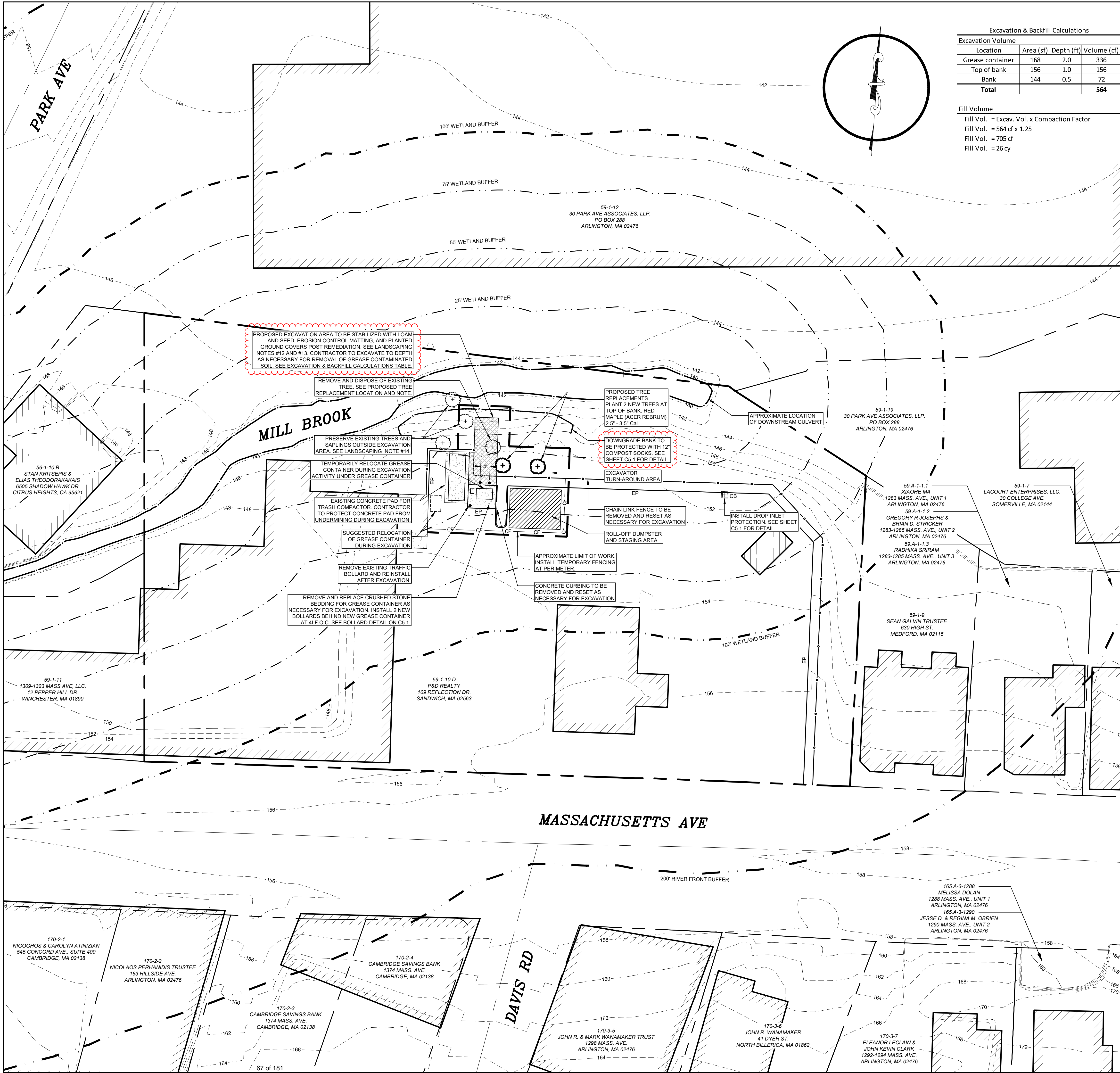
[40 CFR 112.7](#)

[40 CFR 122.26](#)



One Pork Avenue • Tipton, PA 16684-0304

1-855-493-4647 • Fax: 1-800-621-7447 • newpig.com • hothogs@newpig.com



Excavation & Backfill Calculations			
Excavation Volume			
Location	Area (sf)	Depth (ft)	Volume (cf)
Grease container	168	2.0	336
Top of bank	156	1.0	156
Bank	144	0.5	72
Total			564

Fill Volume
Fill Vol. = Excav. Vol. x Compaction Factor
Fill Vol. = 564 cf x 1.25
Fill Vol. = 705 cf
Fill Vol. = 26 cy

LEGEND	
	PROPERTY LINE
	ABUTTER'S PROPERTY LINE
	MAJOR CONTOUR
	MINOR CONTOUR
	BUILDINGS
	ROADWAY CENTERLINE
	EDGE OF PAVEMENT
	CURB
	CONCRETE PAD
	CHAIN LINK FENCE
	EDGE OF WETLAND/WATERWAY
	200' RIVERFRONT BUFFER
	100' WETLAND/WATERWAY BUFFER
	WETLAND/WATERWAY BUFFER
	TEMPORARY FENCE
	COMPOST SOCKS
	LIMIT OF WORK
	CATCH BASINS
	INLET PROTECTION
	DECIDUOUS TREES

GENERAL NOTES:

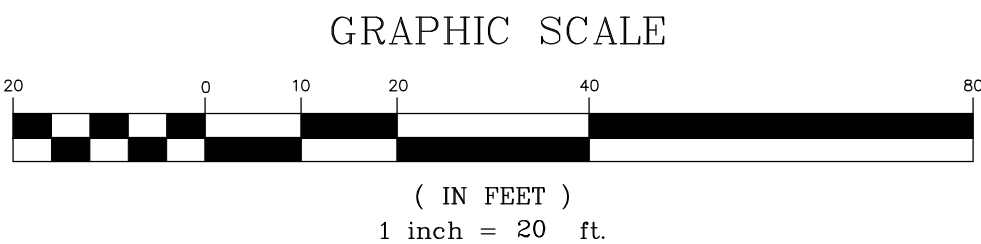
- EXISTING CONDITIONS, NORTH ORIENTATION, AND COORDINATE VALUES DEPICTED ON THESE DRAWINGS ARE BASED ON DATA COLLECTED AND PROVIDED BY THE BUREAU OF GEOGRAPHIC INFORMATION (MASSGIS), COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF TECHNOLOGY AND SECURITY SERVICES. 1.1. STRUCTURES LAYER UPDATED AUGUST 2019 1.2. TAX PARCELS LAYER UPDATED JANUARY 2020 1.3. ROAD CENTER LINES LAYER UPDATED NOVEMBER 2018
- TOPOGRAPHICAL INFORMATION PROVIDED BY THE TOWN OF ARLINGTON, MA GIS DATA "2-FOOT ELEVATION CONTOURS" DATED 2018.
- CONTRACTOR IS RESPONSIBLE FOR ADEQUATE BRACING OF WALLS AND/OR SHORING OF EXCAVATIONS DURING CONSTRUCTION.
- THE CONTRACTOR SHALL REVIEW AND STAMP ALL SHOP DRAWINGS AND SUBMITTALS BEFORE SUBMISSION TO THE ENGINEER. THUS, PROVIDING ANY INFORMATION REQUIRED OF THE FABRICATOR SUCH AS FIELD DIMENSIONS, ELEVATIONS, ETC. OTHERWISE THE SHOP DRAWINGS OR SUBMITTALS WILL BE REJECTED UNTIL SUCH INFORMATION IS FURNISHED BY THE CONTRACTOR.
- BACKFILL SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT, ASTM D1557.
- THE CONTRACTOR SHALL CONTACT DIG-SAFE (1-888-DIG-SAFE) AT LEAST 48 HOURS AND LESS THAN 30 DAYS PRIOR TO STARTING CONSTRUCTION AND SHALL VERIFY ALL UTILITY LOCATIONS IN THE FIELD.
- CONTRACTOR WILL NOTIFY ENGINEERS IMMEDIATELY IF SITE CONDITIONS DIFFER FROM WHAT IS SHOWN ON PLAN.

LANDSCAPING NOTES:

- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH PLANTING OPERATIONS
- LANDSCAPING CONTRACTOR SHALL RECEIVE SITE GRADE TO +/- 0.10 FOOT.
- ALL PLANT MATERIALS AND FINAL LOCATION OF ALL PLANT MATERIALS SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION
- IF CONFLICTS ARISE BETWEEN SIZE OF AREAS AND PLANS, CONTRACTOR SHALL CONTACT OWNER'S REPRESENTATIVE FOR IMMEDIATE RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN CONTRACTOR'S LIABILITY TO RELOCATE THE MATERIALS.
- CONTRACTOR SHALL FURNISH PLANT MATERIALS FREE OF PESTS OR PLANT DISEASES. PRE-SELECTED OR "TAGGED" MATERIAL MUST BE INSPECTED BY THE CONTRACTOR AND CERTIFIED AS PEST AND DISEASE FREE. IT IS THE CONTRACTOR'S OBLIGATION TO WARRANTY ALL PLANT MATERIALS.
- ALL GROUND COVERS SHALL BE TRIANGULARLY SPACED UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF ANY EXISTING MATERIALS DAMAGED DURING PLANTING OPERATIONS.
- ALL LANDSCAPE AREAS SHALL BE COVERED WITH 2-INCHES OF ORGANIC BARK MULCH UNLESS OTHERWISE NOTED.
- AREAS SHOWN AS GROUND COVER AT THE BASE OF TREE AND SHRUB MATERIALS MUST CONFORM TO THE FOLLOWING CRITERIA. THERE SHALL BE NO GROUND COVER PLANT MATERIAL AT THE BASE OF THE TREE OR SHRUB AS FOLLOWS: A) 4-FOOT RADIUS AROUND EVERGREEN TREES, B) 3-FOOT RADIUS AROUND DECIDUOUS TREES, AND C) 2-FOOT RADIUS AROUND LARGE SHRUBS.
- FINAL PLACEMENT OF ALL PLANT MATERIALS SHALL BE SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE PRIOR TO FINAL PLACEMENT AND BACKFILL. CONTACT OWNER'S REPRESENTATIVE 24-HOURS PRIOR TO PLACEMENT FOR APPROVAL.
- ALL DISTURBED AREAS, UNLESS OTHERWISE NOTED, TO BE LOAM, SEEDED, AND MULCHED
- CONTRACTOR TO USE NORTH AMERICAN GREEN BIONET SC150BN MATTING FOR ALL EROSION CONTROL MATTING. 70% STRAW / 30% COCONUT FIBER MATRIX.
- CONTRACTOR TO USE SWEET FERNS (COMPTONIA PEREGRINA) FOR ALL GROUND COVER PLANTINGS. SWEET FERNS SHALL BE PLANTED WITHIN THE EXCAVATION AREA NORTH OF THE EXISTING CHAIN LINK FENCE AND SPACED AT 2 FT TO 3 FT. SEE SHEET C5.1 FOR INSTALLATION DETAILS.
- CONTRACTOR SHALL PRESERVE AND PROTECT EXISTING TREE ROOTS. IF ADDITIONAL TREES NEED TO BE IMPACTED FOR REMEDIATION ACTIVITIES CONTACT ENGINEER IMMEDIATELY.

EROSION CONTROL SEED		
SEED	BY % MASS	% GERMINATION (MIN)
WINTER RYE 80 (MIN)	80 (MIN)	85
RED FESCUE (CREEPING)	4 (MIN)	80
PERENNIAL GRASS	3 (MIN)	90
RED CLOVER	3 (MIN)	90
OTHER CROP GRASS	0.5 (MAX)	
NOXIOUS WEED SEED	0.5 (MAX)	
INERT MATTER	1.0 (MAX)	

PERMANENT SEED MIX		
SEED	BY % MASS	% GERMINATION (MIN)
RED FESCUE (CREEPING)	50	85
KENTUCKY BLUE	25	85
PERENNIAL RYE GRASS	10	90
RED TOP	10	85
LANDINO CLOVER	5	85



Wilcox & Barton INC.
CIVIL • ENVIRONMENTAL • GEOTECHNICAL

2 CAPITAL PLAZA, SUITE 305
CONCORD, NH 03301
603-369-4190
www.wilcoxandbarton.com

- REVISION HISTORY
- RESPONSE TO CONSERVATION COMMISSION COMMENTS (04/24/2020)
 - RESPONSE TO CONSERVATION COMMISSION COMMENTS (05/12/2020)

Permitting

ALL DOCUMENTS PREPARED BY WILCOX & BARTON, INC. ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY WILCOX & BARTON, INC. FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO WILCOX & BARTON, INC. OWNER SHALL INDEMNIFY AND HOLD HARMLESS WILCOX & BARTON, INC. FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

P&D REALTY

109 REFLECTION DR SANDWICH, MA

D'AGOSTINO'S DELICATESSEN

1297 MASS. AVE. ARLINGTON, MA

Map/Block/Lot: 59/1/10D

Site Plan

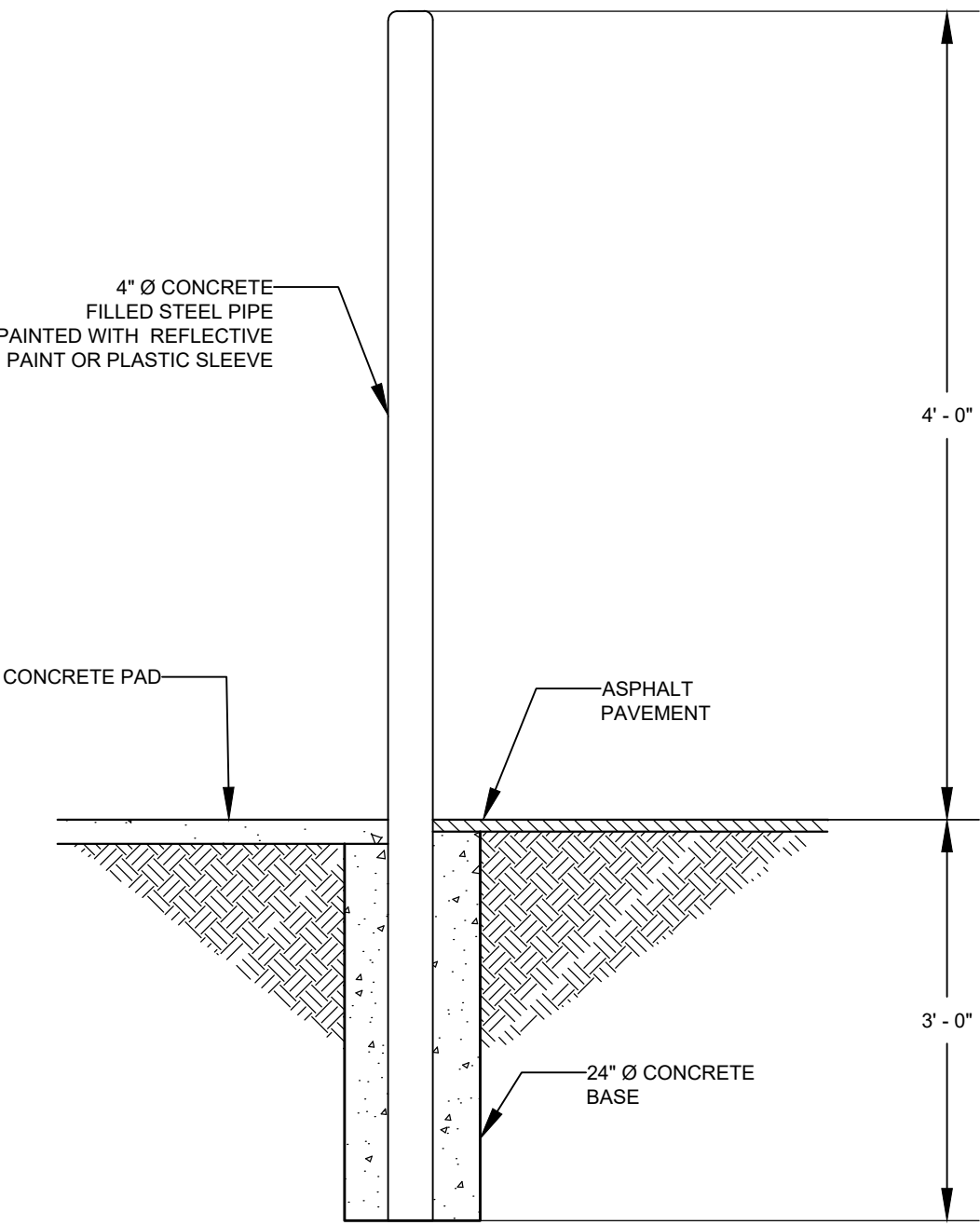
Scale	1" = 20'	Date	03/04/2020
Drafted By	RSR	Checked By	DLF
Project Mgr	RWB	Project Number	PDRE0001
Sheet Number			

COMMONWEALTH OF MASSACHUSETTS
DAVID L. FROTHINGHAM III
REGISTERED PROFESSIONAL ENGINEER

C1.1

ENGINEER: DAVID L. FROTHINGHAM III
MA P.E. #53592

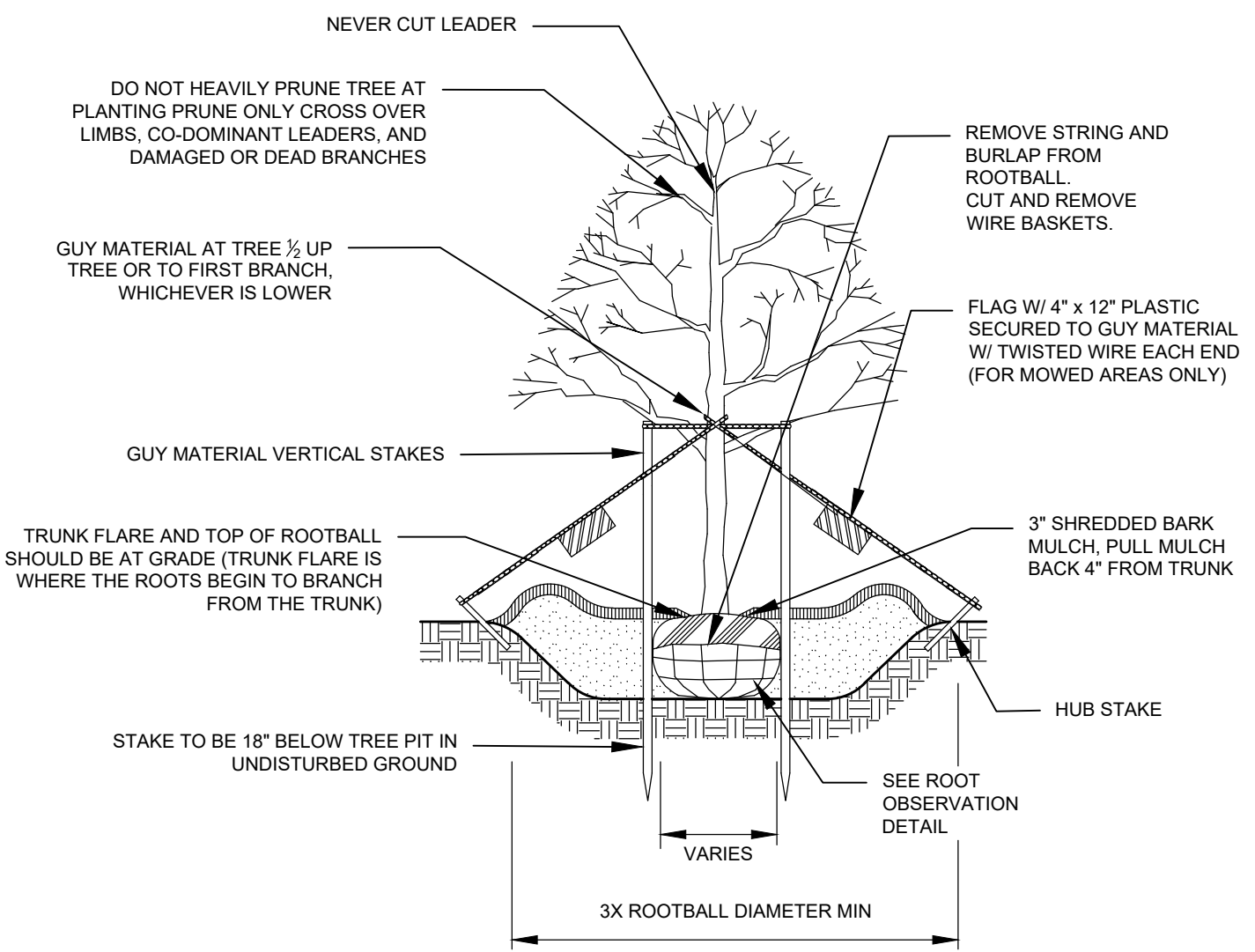
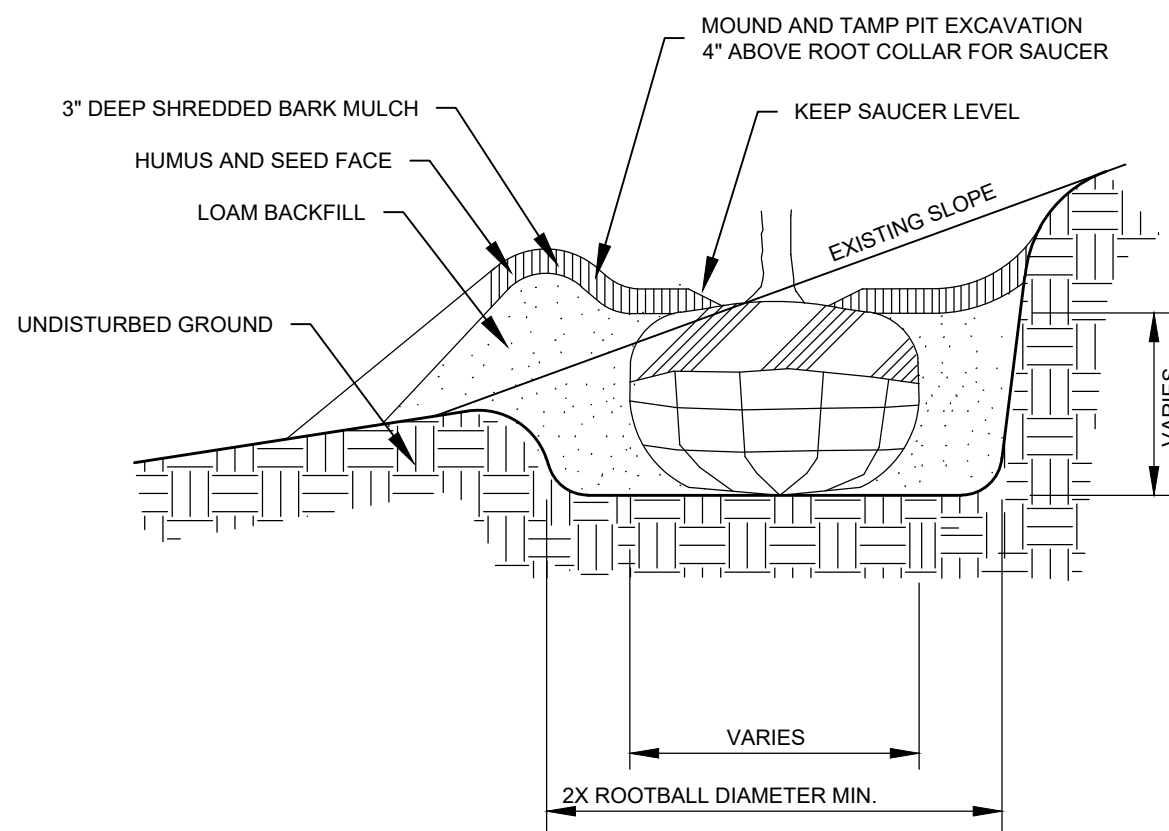
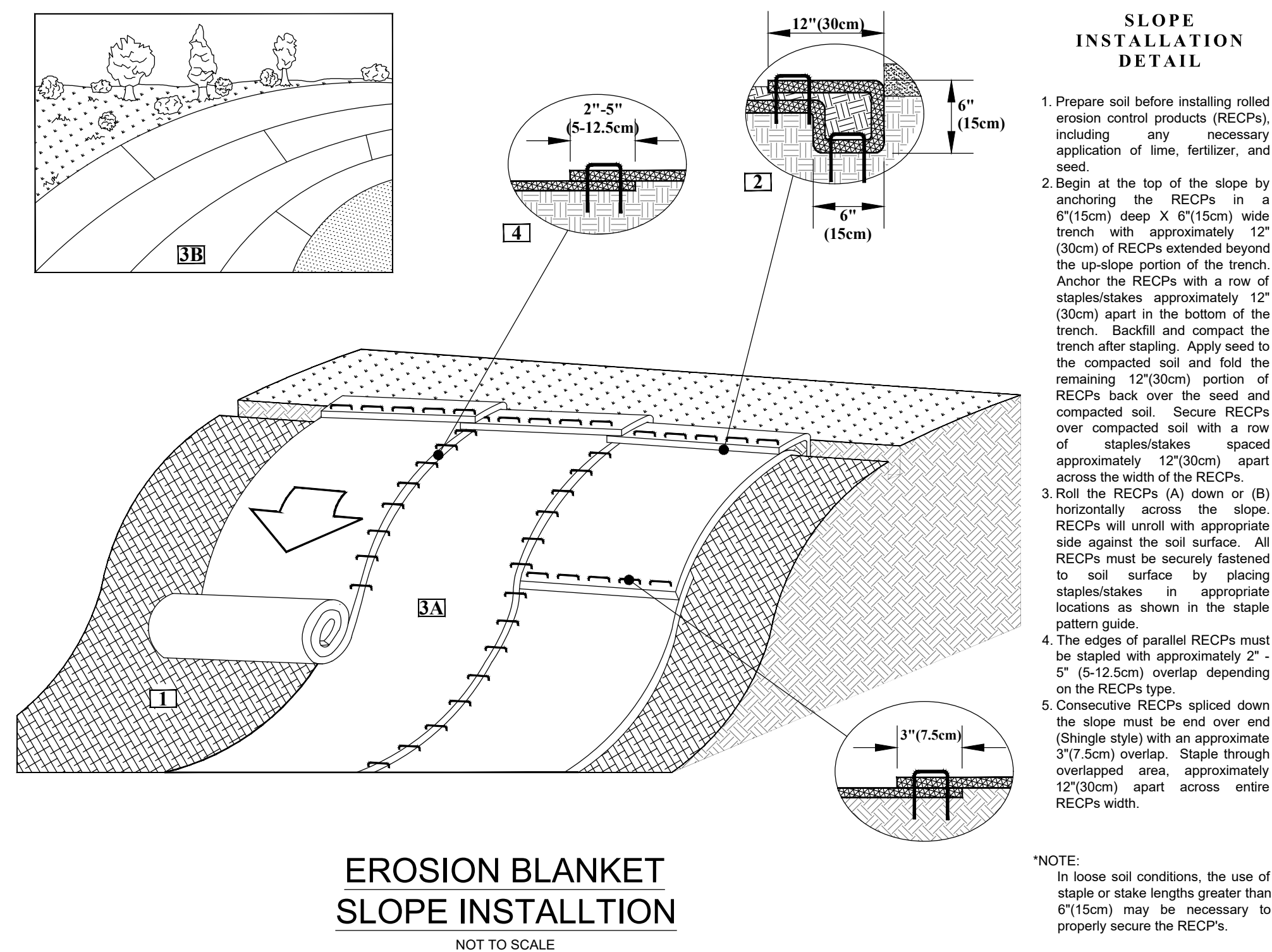
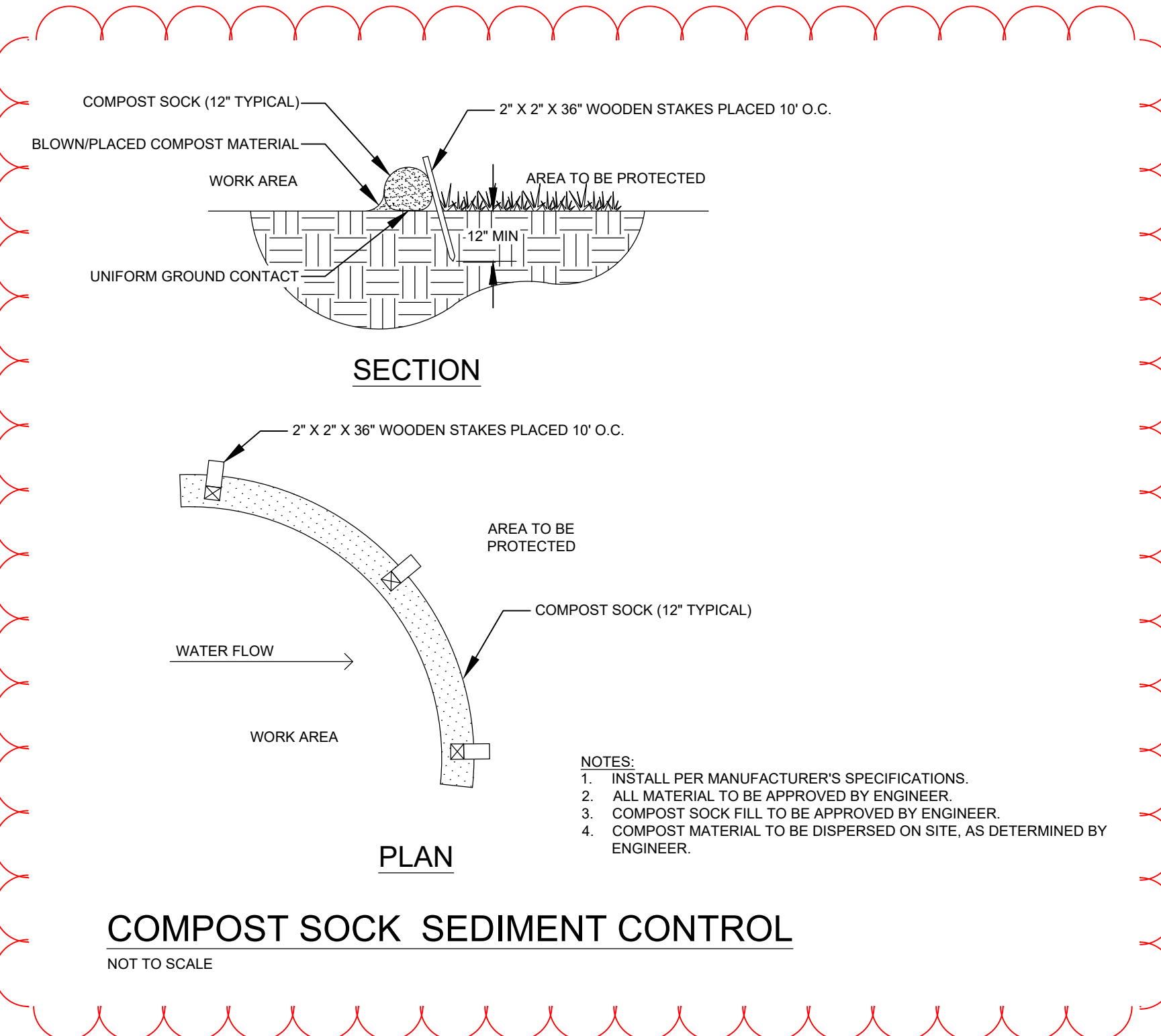
1 of 2



NOTES:
1. A PRECAST BOLLARD WHICH MEETS THE SPECIFIED DIMENSIONS MAY ALSO BE USED.

TRAFFIC BOLLARD

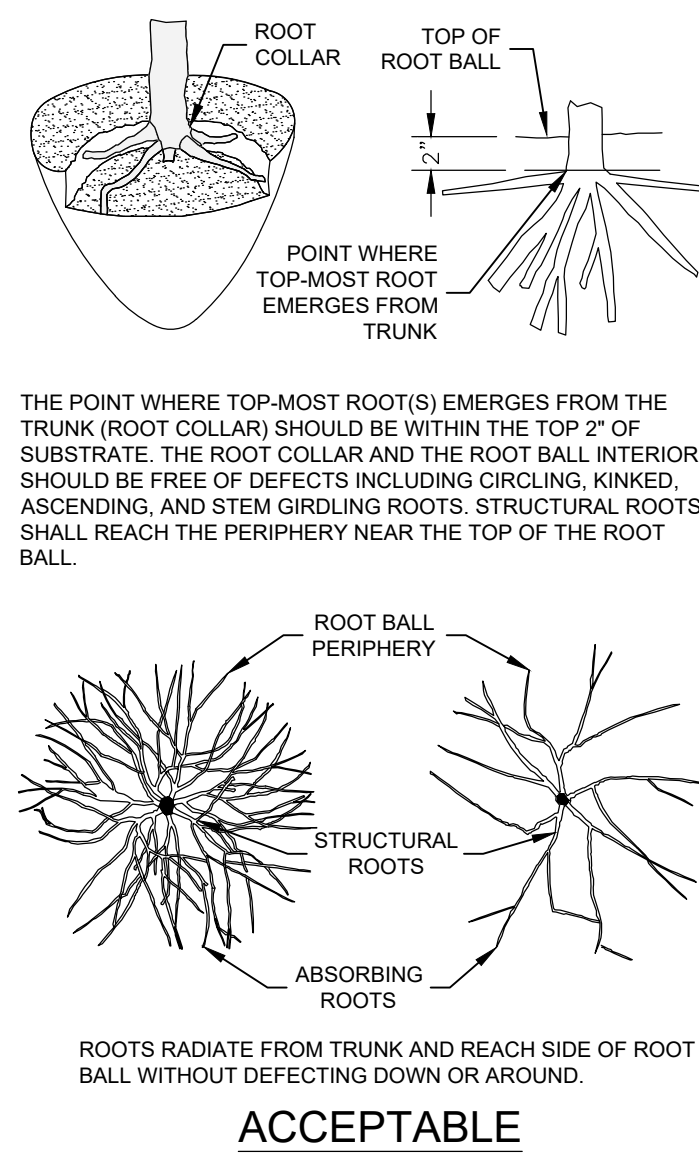
SOURCE: WILCOX & BARTON, INC.
NOT TO SCALE



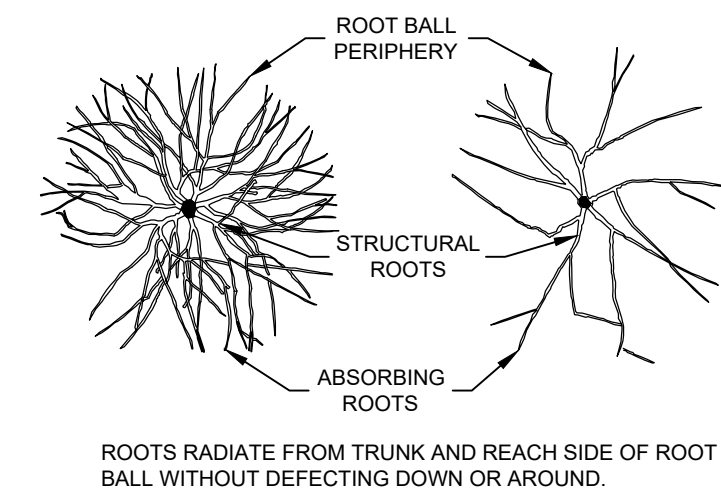
NOTES:
1. LOCAL FIELD CONDITIONS AS WELL AS PLANT CHARACTERISTICS WILL DETERMINE THE NECESSITY OF GUYING AND STAKING.
2. TYPICALLY ONLY TREES WITH A 3" OR GREATER CALIPER NEED TO BE STAKED.
3. TREE SHALL BE SET PLUMB, AFTER SETTLEMENT.
4. ALL NURSERY TAGS, TAPE, AND SIMILAR MATERIALS SHALL BE REMOVED.

DECIDUOUS TREE PLANTING

NOT TO SCALE



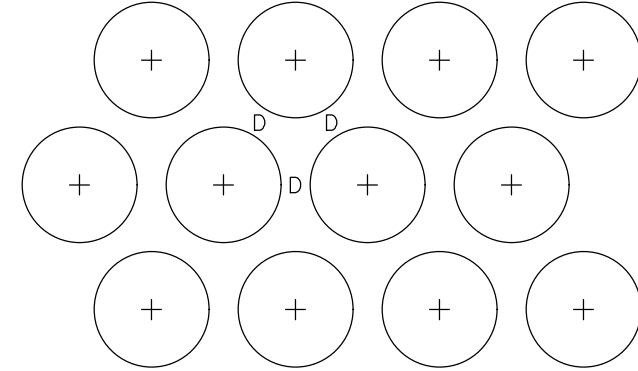
THE POINT WHERE TOP-MOST ROOT(S) EMERGES FROM THE TRUNK (ROOT COLLAR) SHOULD BE WITHIN THE TOP 2" OF SUBSTRATE. THE ROOT COLLAR AND THE ROOT BALL INTERIOR SHOULD BE FREE OF DEFECTS INCLUDING CIRCLING, KINKED, ASCENDING, AND STEM GIRDLING ROOTS. STRUCTURAL ROOTS SHALL REACH THE PERIPHERY NEAR THE TOP OF THE ROOT BALL.



NOTES:
1. OBSERVATIONS OF ROOTS SHALL OCCUR PRIOR TO ACCEPTANCE. ROOTS AND SOIL MAY BE REMOVED DURING THE OBSERVATION PROCESS; SUBSTRATE/SOIL SHALL BE REPLACED AFTER THE OBSERVATIONS HAVE BEEN COMPLETED.

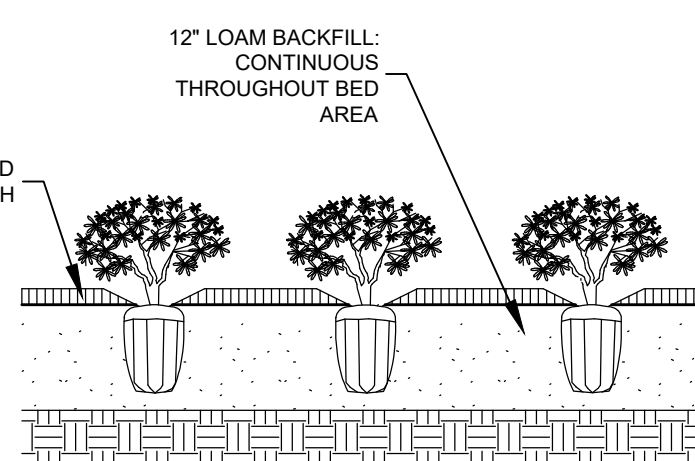
ROOT OBSERVATION

NOT TO SCALE



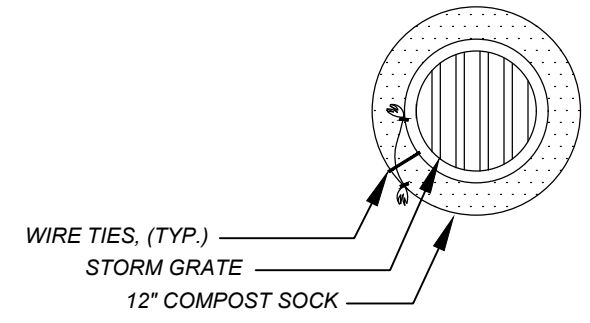
TYPICAL BED PLANT SPACING

D = DIMENSION OF PLANT SPACING (SHRUBS OR GROUND COVER AS INDICATED ON PLANS)

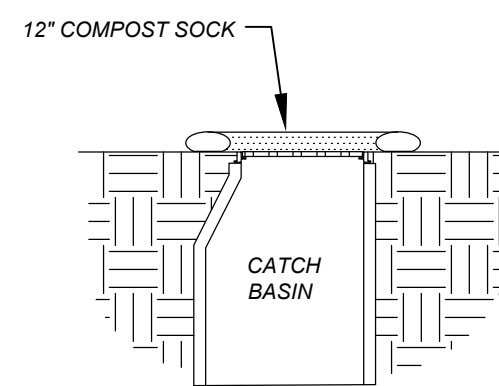


GROUND COVER INSTALLATION

NOT TO SCALE

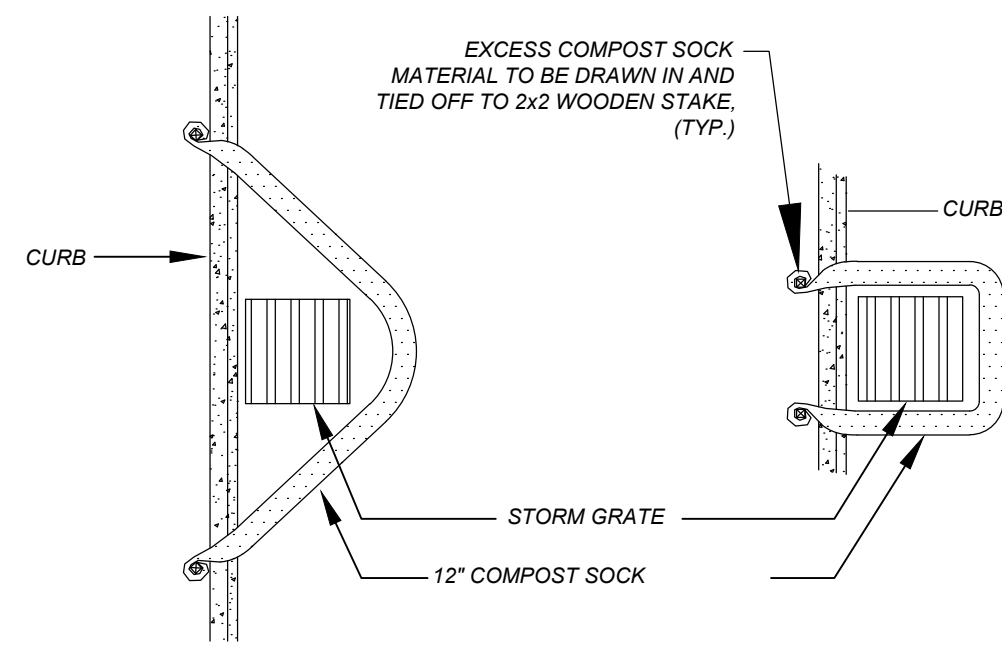


DRAIN INLET PLAN

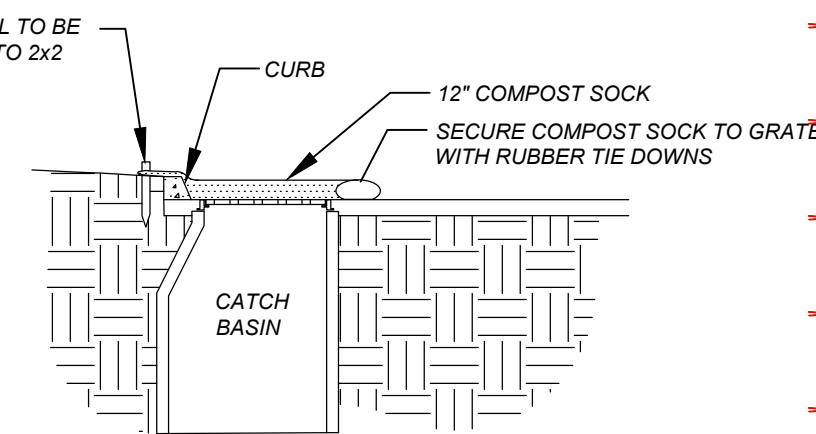


DRAIN INLET SECTION

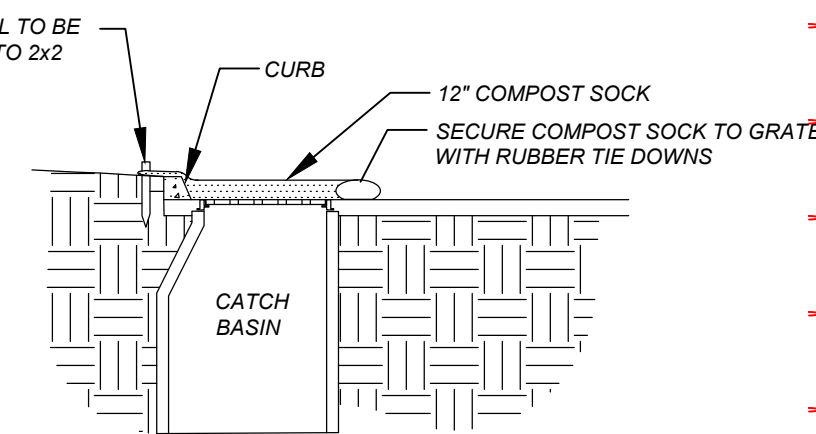
NOTES:
1. ALL MATERIAL TO BE APPROVED BY ENGINEER.
2. FILTER MEDIA SHALL BE A COURSE COMPOSTED MATERIAL APPROVED BY ENGINEER.
3. FILTER MEDIA TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.



CURBSIDE OPTION "A" PLAN



CURBSIDE OPTION "B" PLAN



CURBSIDE SECTION

NOTES:
1. ALL MATERIAL TO BE APPROVED BY ENGINEER.
2. FILTER MEDIA SHALL BE A COURSE COMPOSTED MATERIAL APPROVED BY ENGINEER.
3. FILTER MEDIA TO BE DISPERSED ON SITE, AS DETERMINED BY ENGINEER.

2 CAPITAL PLAZA, SUITE 305
CONCORD, NH 03301
603-369-4190
www.wilcoxandbarton.com

REVISION HISTORY
1. RESPONSE TO CONSERVATION COMMISSION COMMENTS (04/24/2020)
2. RESPONSE TO CONSERVATION COMMISSION COMMENTS (05/12/2020)

Issued For

Permitting

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Owner

P&D REALTY

109 REFLECTION DR
SANDWICH, MA

Site

D'AGOSTINO'S DELICATESSEN

1297 MASS. AVE.
ARLINGTON, MA

Map/Block/Lot: 59/1/10D

Drawing Title

Construction & Erosion Control Details

Scale	N.T.S.	Date	03/04/2020
Drafted By	RSR	Checked By	DLF
Project Mgr	RWB	Project Number	PDRE0001

Sheet Number	C5.1
ENGINEER: DAVID L. FROTHINGHAM III MA P.E. #53592	2 of 2

April 15, 2021

Emily Sullivan
Environmental Planner & Conservation Agent
Town of Arlington Conservation Commission
730 Massachusetts Avenue, Annex
Arlington, Massachusetts 02476

**RE: Request for Certificate of Compliance
D'Agostino's Delicatessen
1297 Massachusetts Avenue, Arlington, MA**

Dear Ms. Sullivan,

On behalf of P&D Realty, Wilcox & Barton, Inc. is pleased to submit the following Request for Certificate of Compliance regarding the approved project, MassDEP File #091-0321. Please accept this letter as a written statement, pursuant to the approval order of conditions for the subject project, certifying the completed work complies with the approved plans. Please find attached an As-Built plan, depicting the completed work.

To facilitate the annual inspections of the plantings by the Town of Arlington, Wilcox & Barton, Inc. has included a photo point monitoring log for the purpose of monitoring the establishment of approved plantings. The log is proposed to be maintained on-site for the use of the owner and made available upon request of the Arlington Conservation Commission. Final plantings for the approved project consist of two 2.5-inch to 3.5-inch caliper Red Maple (*Acer Rebrum*) trees and sixty Sweet Fern (*Comptonia Peregrina*) shrubs planted in the areas of excavation and fill and at the top of the bank. Swing tie locations to the planted trees and wooden, 2-inch by 2-inch stakes designating the photo points have been shown in the attached as-built.

If you have any questions, or require additional information, please contact me at (603) 369-4190 x524 or email me at dfrothingham@wilcoxandbarton.com.

Very truly yours,

WILCOX & BARTON, INC.



David L. Frothingham III, P.E.
Senior Civil Engineer

Attachments WPA Form 8A – Request for Certificate of Compliance
Photo Point Monitoring Log Entry #01
As-Built Plan



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

091-0321

Provided by DEP

A. Project Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Russel Rucker

Name

2 Capital Plaza, Suite 305

Mailing Address

Concord

City/Town

NH

State

03301

Zip Code

603-573-0232

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

P&D Realty

Applicant

6/9/2020

Dated

091-0321

DEP File Number

3. The project site is located at:

1297 Massachusetts Avenue

Street Address

Arlington

City/Town

59

Assessors Map/Plat Number

10.D

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)

Middlesex County South Registry of Deeds

County

75369

Book

465

Page

Certificate (if registered land)

5. This request is for certification that (check one):

☒ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

091-0321

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

PHOTO POINTS MONITORING LOG
D'Agostino's Delicatessen – Mill Brook Bank Stabilization
1297 Massachusetts Avenue
Arlington, Massachusetts 02476

Log Entry No.: #01	Page No.: 1 of 2	Entry Date: 2020/10/15	Previous Entry Date: N/A
Observer Name: Russel Rucker		Phone: 603-573-0232	Email: rrucker@wilcoxandbarton.com
Were all points found? (Yes / No) Yes		Do point markers need replacement? (Yes / No) No	Number of Photo Points Logged 3

[illegible][illegible]

* Log records shall be maintained on site for a period of 3 years and shall be available to the Arlington Conservation Commission upon request. Log entries for all photo points shall be made every 4-6 months. When a photo point marker needs replacement, a new marker shall be placed, which shall be assigned a new point number with a new baseline photo.

PHOTO POINTS MONITORING LOG
D'Agostino's Delicatessen – Mill Brook Bank Stabilization
1297 Massachusetts Avenue
Arlington, Massachusetts 02476

Log Entry No.: #01	Page No.: 2 of 2	Entry Date: 2020/10/15	Previous Entry Date: N/A
Observer Name: Russel Rucker		Phone: 603-573-0232	Email: rrucker@wilcoxandbarton.com
Were all points found? (Yes / No) Yes		Do point markers need replacement? (Yes / No) No	Number of Photo Points Logged 3

[illegible][illegible]

* Log records shall be maintained on site for a period of 3 years and shall be available to the Arlington Conservation Commission upon request. Log entries for all photo points shall be made every 4-6 months. When a photo point marker needs replacement, a new marker shall be placed, which shall be assigned a new point number with a new baseline photo.



Town of Arlington, Massachusetts

Notice of Intent

Summary:

Notice of Intent: 102-104 Milton Street
MassDEP File #unassigned

This project proposes to construct an addition to a 2-family dwelling and conduct site work within the 7:55pm floodplain of Alewife Brook.

ATTACHMENTS:

Type	File Name	Description
□ Notice of Intent	102-104_Milton_St_NOI.pdf	102-104 Milton St NOI

Notice of Intent Application

April 22, 2021



Subject Property

102-104 Milton Street

Parcel ID: 4-4-5

Arlington, Massachusetts

Applicant and Property Owner

Milton Street Holdings LLC

Contact: Stephan Bilharz

377 Somerville Avenue

Somerville, MA 02143

LEC Environmental Consultants, Inc.

380 Lowell Street

Suite 101

Wakefield, MA 01880

781-245-2500

www.lecenvironmental.com

April 22, 2021

Hand Delivery

Arlington Conservation Commission
Arlington Town Hall Annex
730 Massachusetts Avenue
Arlington, MA 02476

Re: Notice of Intent Application
102-104 Milton Street
Parcel ID: 4-4-5
Arlington, Massachusetts

[LEC File #: MSHLLC\21-084.02]

Dear Members of the Conservation Commission:

On behalf of the Applicant and Property Owner, Milton Street Holdings LLC (Contact: Stephan Bilharz), LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application with the Arlington Conservation Commission to construct an addition to an existing two-family dwelling and conduct other site work at 102-104 Milton Street in Arlington, Massachusetts. The property and the proposed activities are located within Bordering Land Subject to Flooding (BLSF). The Applicant proposes to implement erosion controls to minimize the potential for impacts to the resource areas during construction, and provide compensatory flood storage, reduce impervious area, and implement a native planting plan to improve existing site conditions.

LEC was retained to identify Wetland Resource Areas protectable under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing Regulations (310 CMR 10.00, the *Act Regulations*), the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*), and its implementing *Wetlands Protection Regulations* (March 1, 2018, the *Bylaw Regulations*), and to prepare this NOI Application. Gala Simon Associates, Inc., has prepared the enclosed *Site Plan – 102-104 Milton Street, Arlington, Massachusetts*, dated April 12, 2021 showing the existing and proposed site conditions and construction details (Appendix D). Details of the Landscape Plan can be found in the *Proposed Landscape Plan, 102-104 Milton Street, Arlington, Massachusetts*, prepared by De-Sign 2, Inc., and dated March 8, 2021 (*Landscape Plan*, Appendix C). Representative site photographs are included in Appendix B.

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508.746.9491

380 Lowell Street
Suite 101
Wakefield, MA 01880
781.245.2500

100 Grove Street
Suite 302
Worcester, MA 01605
508.753.3077

P.O. Box 590
Rindge, NH 03461
603.899.6726

680 Warren Avenue
Suite 3
East Providence, RI 02914
401.685.3109

77 of 181

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI



Enclosed please find two checks made payable to the Town of Arlington in the amounts of Two Hundred Sixty-Two Dollars and Fifty Cents (\$262.50) and Two Hundred Dollars (\$200.00) for the purpose of filing this Application under State and Local guidelines, respectively. The check payable to the Commonwealth of Massachusetts in the amount of Two Hundred, Thirty-Seven Dollars and Fifty Cents (\$237.50) has been mailed to the DEP Lockbox with a copy of the NOI Wetland Fee Transmittal Form.

Thank you for your consideration of this Application. We look forward to meeting with you at the May 6, 2021 Public Hearing. Should you have any questions, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at rkirby@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

A handwritten signature in black ink, appearing to read 'Richard A. Kirby', is written over a faint, light-colored signature line.

Richard A. Kirby
Senior Wetland Scientist

cc: DEP, Northeast Region
Milton Street Holdings, LLC.
Gala Simon Associates, Inc.

rak: projects\21-084.02\NOIReport.doc

i.	WPA Form 3 – Notice of Intent
ii.	WPA Appendix B – Wetland Fee Transmittal Form
iii.	Local Filing Fee Form
iv.	Legal Charge Authorization Form
v.	Affidavit of Service
vi.	Letter to Abutters
vii.	Abutter Notification Form
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Notice of Intent Report

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Appendix A

Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map

Appendix B

Site Photographs

Appendix C

Proposed Landscape Plan, 102-104 Milton Street, Arlington, MA prepared by De-Sign 2,
dated March 8, 2021

Appendix D

Site Plan, 102-104 Milton Street, Arlington, Massachusetts, dated April 12, 2021,
prepared by Gala Simon Associates, Inc



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

102-104 Milton Street

a. Street Address

Arlington

b. City/Town

02474

c. Zip Code

Latitude and Longitude:

4-4

f. Assessors Map/Plat Number

42.401660 N

d. Latitude

-71.143890 W

e. Longitude

5

g. Parcel /Lot Number

2. Applicant:

Stephan

a. First Name

Bilharz

b. Last Name

Milton Street Holdings, LLC

c. Organization

377 Somerville Avenue

d. Street Address

Somerville

e. City/Town

MA

f. State

02143

g. Zip Code

617-690-9969

h. Phone Number

N/A

i. Fax Number

stephan@unionsqcapital.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Richard

a. First Name

Kirby

b. Last Name

LEC Environmental Consultants, Inc.

c. Company

380 Lowell Street, Suite 101

d. Street Address

Wakefield

e. City/Town

MA

f. State

01880

g. Zip Code

781-245-2500

h. Phone Number

781-245-6677

i. Fax Number

rkirby@lecenvironmental.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$500.00

a. Total Fee Paid

\$237.50

b. State Fee Paid

\$262.50

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

The Applicant proposes to construct an addition to a 2-family dwelling and other site work at 102-104 Milton Street in Arlington, Massachusetts. Portions of the proposed activities are located within Bordering Land Subject to Flooding (BLSF). The Applicant proposes to implement erosion controls, provide compensatory flood storage, and implement a native landscape plan to minimize the potential for impacts to the resource areas and improve existing site conditions.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> Other: Multi-Family Dwelling | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Southern Middlesex

N/A

a. County

b. Certificate # (if registered land)

77139

261

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	108± 1. square feet 90± 3. cubic feet of flood storage lost	600± 2. square feet 453± 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement		
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.		
a. square feet of BVW	b. square feet of Salt Marsh	

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. ☐ Yes ☒ No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

2017

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
 2. ☐ Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____
 3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. ☒ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

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C. Other Applicable Standards and Requirements (cont'd)

Online Users:

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2. ☐ A portion of the site constitutes redevelopment
3. ☐ Proprietary BMPs are included in the Stormwater Management System.
b. ☒ No. Check why the project is exempt: project results in a 1,048 sf decrease (32%) of impervious area.
1. ☐ Single-family house
2. ☐ Emergency road repair
3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan (2 Sheets)

a. Plan Title

Gala Simon Associates, Inc.

Al Gala

b. Prepared By

c. Signed and Stamped by

April 12, 2021

1 inch = 10 feet

d. Final Revision Date

e. Scale

Proposed Landscape Plan prepared by Design2

f. Additional Plan or Document Title

March 8, 2021

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed (required under Bylaw).

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

1007

2. Municipal Check Number

4/19/2021

3. Check date

1006

4. State Check Number

4/19/2021

5. Check date

Milton Street Holdings LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw (Article 8)

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

102-104 Milton Street

a. Street Address

1006

c. Check number

Arlington

b. City/Town

\$237.50

d. Fee amount

2. Applicant Mailing Address:

Stephan

a. First Name

Bilharz

b. Last Name

Milton Street Holdings, LLC

c. Organization

377 Somerville Avenue

d. Mailing Address

Somerville

e. City/Town

MA

f. State

02143

g. Zip Code

617-690-9969

h. Phone Number

N/A

i. Fax Number

stephan@unionsqcapital.com

j. Email Address

3. Property Owner (if different):

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

[illegible]

Total Project Fee:	<u>\$500.00</u>
	a. Total Fee from Step 5
My share of filing Fee:	<u>\$237.50</u>
	b. 1/2 Total Fee less \$12.50
My share of filling Fee:	<u>\$262.50</u>
	c. 1/2 Total Fee plus \$12.50

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Bylaw Filing Fees and Transmittal Form

Rules:

1. Fees are payable at the time of filing the application and are non-refundable.
2. Fees shall be calculated per schedule below.
3. Town, County, State, and Federal Projects are exempt from fees.
4. These fees are in addition to the fees paid under M.G.L. Ch. 131, s.40 (ACT).

Fee Schedule (ACC approved 1/8/15):

\$	No./Area	Category
		(R1) RDA - \$150 local fee, no state fee
\$200.00	Addition	(N1) Minor Project - \$200 (house addition, tennis court, swimming pool, utility work, work in/on/or affecting any body of water, wetland or floodplain).
		(N2) Single Family Dwelling - \$600
		(N3) Multiple Dwelling Structures - \$600 + \$100 per unit all or part of which lies within 100 feet of wetlands or within land subject to flooding.
		(N4) Commercial, Industrial, and Institutional Projects - \$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding or buffer zone disturbed.
		(N5) Subdivisions - \$600 + \$4/l.f. feet of roadway sideline within 100 ft. of wetlands or within land subject to flooding.
		(N6) Other Fees - copies, printouts; per public records law
		(N7) Minor Project Change - \$50
		(N8) Work on Docks, Piers, Revetments, Dikes, etc - \$4 per linear foot
		(N9) Resource Boundary Delineation (ANRAD) - \$1 per linear foot
		(N10) Certificate of Compliance (COC or PCOC) - No charge if before expiration of Order, \$200 if after that date.
		(N11) Amendments - \$300 or 50% of original local filing fee, whichever is less.
		(N12) Extensions -
		a. Single family dwelling or minor project - \$100.
		b. Other - \$150.
		(N13) Consultant Fee -per estimate from consultant
\$200.00	TOTAL	

Note: Submit this form along with the forms submitted for the ACT - the "Wetlands Filing Fee Calculations Worksheet," and the "Notice of Intent Fee Transmittal Form."

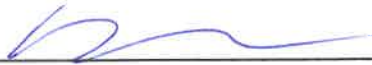
Legal Notice Charge Authorization

DATE:

TO: legals@wickedlocal.com

I hereby authorize Community Newspapers to bill me directly for the legal notice to be published in the Arlington Advocate newspaper on _____ for a public hearing with the Arlington Conservation Commission to review a project at the following location:

Thank you.

Signed:  _____

Send bill to:

Stephan Bilharz _____ (Address)

Milton Street Holdings, LLC

377 Somerville Avenue, Somerville, MA 02143

(617) 690-9969 _____ (Phone)

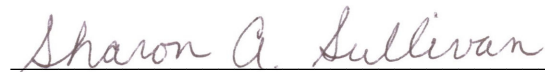
AFFIDAVIT OF SERVICE

Under the
Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40),
its implementing *Regulations* (310 CMR 10.00),
and the
Town of Arlington Wetlands Protection Bylaw

I, Sharon A. Sullivan, on behalf of Milton Street Holdings LLC, hereby certify under the pains and penalties of perjury that on April 22, 2021 I gave notification to abutters in compliance with the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Arlington Wetlands Protection Bylaw* in connection with the following matter:

A Notice of Intent Application filed under the *Town of Arlington Wetlands Protection Bylaw* by LEC Environmental Consultants, Inc. on behalf of the Applicant, Milton Street Holdings LLC, with the Town of Arlington Conservation Commission on April 22, 2021 for property located at 102-104 Milton Street (Assessor's Parcel ID: 4-4-5) in Arlington, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.


Sharon A. Sullivan
Permitting Technician

4/22/2021
Date

April 22, 2021

CERTIFIED MAIL

«Name»

«Name2»

«Address»

«City», «State» «Zip»

Re: Notice of Intent Application
102-104 Milton Street
Assessor's Parcel ID: 4-4-5
Arlington, Massachusetts

[LEC File #: MSHLLC\21-084.02]

Dear Abutter:

On behalf of the Applicant, Milton Street Holdings LLC, LEC Environmental Consultants, Inc. (LEC) has filed a Notice of Intent Application with the Arlington Conservation Commission to construct an addition to a two-family dwelling and conduct other site work at 102-104 Milton Street in Arlington. Portions of the proposed activities are located within the Bordering Land Subject to Flooding (BLSF) jurisdictional under the *Massachusetts Wetlands Protection Act* (the *Act*, M.G.L. c. 131, s. 40) and its implementing *Regulations* (the *Act Regulations*, 310 CMR 10.00), and the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*) and its *Regulations Pursuant to the Town of Arlington Regulations for Wetlands Protection* (the *Bylaw Regulations*).

The Notice of Intent Application and accompanying plans are available for review by contacting the Arlington Conservation Commission. The Public Hearing will be held on May 6, 2021 beginning at 7:30 p.m., in accordance with the provisions of the *Act*, *Regulations*, *Bylaw*, and *Bylaw Regulations*. Further information regarding this application will be published at least five (5) days in advance in *The Arlington Advocate*. Notice of the Public Hearing will also be posted at the Arlington Town Hall at least 48 hours in advance.

Due to Governor Baker's Covid-19 State of Emergency and further direction from the CDC, the Governor has suspended certain provisions of the Massachusetts Open Meeting Law. Please check the Town/Conservation Commission website for information relative to remote viewing and/or participation in the public hearing process.

Please do not hesitate to review the materials and/or attend the public hearing should you have questions or concerns about the proposed project.

Sincerely,

LEC Environmental Consultants, Inc.



Richard A. Kirby
 Senior Wetland Scientist

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
 Suite 1
 Plymouth, MA 02360
 508.746.9491

380 Lowell Street
 Suite 101
 Wakefield, MA 01880
 781.245.2500

100 Grove Street
 Suite 302
 Worcester, MA 01605
 508.753.3077

P.O. Box 590
 Rindge, NH 03461
 603.899.6726

680 Warren Avenue
 Suite 3
 East Providence, RI 02914
 401.685.3109 95 of 181

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI

Notification to Abutters Under the
Massachusetts Wetlands Protection Act
and the
Town of Arlington Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and the Town of Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

- A. The name of the Applicant is Milton Street Holdings LLC, 377 Somerville Avenue, Somerville, Massachusetts.
- B. The Applicant has filed a Notice of Intent Application with the Conservation Commission for the municipality of Arlington, Massachusetts seeking permission to remove, fill, dredge or alter an Area Subject to Protection under Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Town of Arlington Wetlands Protection Bylaw.
- C. The activity is proposed on a lot located at 102-104 Milton Street Avenue (Assessor's Parcel ID: 4-4-5), Arlington, Massachusetts.
- D. Copies of the Notice of Intent Application may be examined by contacting the Arlington Conservation Commission at (781) 316-3012.

For more information, call: LEC Environmental Consultants, Inc. (the applicant's representative) at (781) 245-2500.

- E. Copies of the Notice of Intent Application may be obtained from LEC Environmental Consultants, Inc. (the applicant's representative) by calling (781) 245-2500 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A fee may be charged for each copy requested.
- F. Information regarding the public hearing may be obtained from the Arlington Conservation Commission (the regulatory agency) by calling (781) 316-3012.

NOTE: Notice of the Public Hearing, including its date, time, and place, will be published at least five (5) days in advance in The Arlington Advocate.

NOTE: Notice of the public hearing will also be posted at the Arlington Town Hall not less than 48 hours in advance.

NOTE: You also may contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:
Northeast Region: 978-694-3200



Office of the
Board of Assessors
Robbins Memorial Town Hall
Arlington, MA 02476
(781) 316-3050
Assessors@town.arlington.ma.us

Abutters List

Date: April 15, 2021

Subject Property Address: 102-104 MILTON ST Arlington, MA
Subject Property ID: 4-4-5

Search Distance: 100 Feet
CONSERVATION

The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters within 100 feet of the property lines, of subject property.

Karin C. Feeley
Robert E. Greeley
[Signature]

Board of Assessors

Abutters List

Date: April 15, 2021

Subject Property Address: 102-104 MILTON ST Arlington,
MA
Subject Property ID: 4-4-5

Search Distance: 100 Feet
Conservation

Prop ID: 4-3-15
Prop Location: 93-95 MILTON ST Arlington, MA
Owner: PONTE JOHN & SUZANA/ TRUSTEES
Co-Owner: JOHN PONTE REVOCABLE TRUST
Mailing Address:
7941 LORRAINE RD
SARASOTA, FL 34241

Prop ID: 4-3-17
Prop Location: 101-103 MILTON ST Arlington, MA
Owner: ADAMS JOHN M
Co-Owner: KEANE SUSAN M
Mailing Address:
101 MILTON ST
ARLINGTON, MA 02474

Prop ID: 4-3-18
Prop Location: 105-107 MILTON ST Arlington, MA
Owner: HUANG KANG JIAN
Co-Owner: ZHOU AIDONG
Mailing Address:
105 MILTON ST
ARLINGTON, MA 02474

Prop ID: 4-4-13
Prop Location: 95 VARNUM ST Arlington, MA
Owner: TAMANAKIS RHEA A &
Co-Owner: GAVRIEL MATTHEW G
Mailing Address:
93 VARNUM STREET
ARLINGTON, MA 02474

Prop ID: 4-4-14
Prop Location: 97-99 VARNUM ST Arlington, MA
Owner: VERENINI MATTHEW D &
Co-Owner: FERREIRA KELLY M
Mailing Address:
99 VARNUM ST
ARLINGTON, MA 02474

Prop ID: 4-4-16
Prop Location: 105-107 VARNUM ST Arlington, MA
Owner: BIONDO SERAFINA
Co-Owner: LIFE ESTATE
Mailing Address:
105 VARNUM ST
ARLINGTON, MA 02474

Prop ID: 4-4-17
Prop Location: 109-111 VARNUM ST Arlington, MA
Owner: MERGEN KATRINA
Co-Owner:
Mailing Address:
109 VARNUM STREET
ARLINGTON, MA 02476

Prop ID: 4-4-18
Prop Location: 113-115 VARNUM ST Arlington, MA
Owner: HASAN NOORUL
Co-Owner: HASAN DIANA M
Mailing Address:
113 VARNUM ST
ARLINGTON, MA 02476

Prop ID: 4-4-2
Prop Location: 114-116 MILTON ST Arlington, MA
Owner: SPEROS ELAINE
Co-Owner: SPEROS PETER
Mailing Address:
53 OAKLEY RD
BELMONT, MA 02478

Prop ID: 4-4-3
Prop Location: 110-112 MILTON ST Arlington, MA
Owner: SAVVIDIS JOHN/ALANA
Co-Owner:
Mailing Address:
110-12 MILTON STREET
ARLINGTON, MA 02474

Prop ID: 4-4-5
Prop Location: 102-104 MILTON ST Arlington, MA
Owner: CONDE DOLORES
Co-Owner:
Mailing Address:
102 MILTON ST
ARLINGTON, MA 02474

Prop ID: 4-4-7
Prop Location: 92-94 MILTON ST Arlington, MA
Owner: JORGENSEN EVELYN/ LIFE ESTATE
Co-Owner:
Mailing Address:
92 MILTON STREET
C/O PAUL W JORGENSEN
ARLINGTON, MA 02474

Prop ID: 4.A-3-1
Prop Location: 109-111 MILTON ST UNIT 1 Arlington, MA
Owner: ZHU HONGXIN
Co-Owner: CHEN XUEJUN
Mailing Address:
4 GARDNER ST
ARLINGTON, MA 02474

Prop ID: 4.A-3-16.B
Prop Location: 97-99 MILTON ST UNIT 1 Arlington, MA
Owner: PECHENIK NANCY
Co-Owner:
Mailing Address:
81 MEADOW ROAD
BOLTON, MA 01740

Prop ID: 4.A-3-16.C
Prop Location: 97-99 MILTON ST UNIT 2 Arlington, MA
Owner: PAGE WENDY E
Co-Owner:
Mailing Address:
97-99 MILTON ST UNIT 2
ARLINGTON, MA 02474

Prop ID: 4.A-3-2
Prop Location: 109-111 MILTON ST UNIT 2 Arlington, MA
Owner: KOVACS JASON R
Co-Owner: ZANGARI AMANDA M
Mailing Address:
109 MILTON ST UNIT 2
ARLINGTON, MA 02474

Prop ID: 4.A-4-101
Prop Location: 101 VARNUM ST UNIT 101 Arlington, MA
Owner: SUAREZ ELIZABETH GONZALEZ
Co-Owner: MATHEUS JESUS I
Mailing Address:
101 VARNUM ST
ARLINGTON, MA 02474

Prop ID: 4.A-4-103
Prop Location: 103 VARNUM ST UNIT 103 Arlington, MA
Owner: DAVIES GERAINT H.M.
Co-Owner: GRENIER MELISSA C
Mailing Address:
103 VARNUM ST
ARLINGTON, MA 02474

Prop ID: 4.A-4-106
Prop Location: 106 MILTON ST UNIT 106 Arlington, MA
Owner: STOKLOSA JOSEPH B & HANNI M
Co-Owner:
Mailing Address:
106 MILTON STREET
ARLINGTON, MA 02474

Prop ID: 4.A-4-108
Prop Location: 108 MILTON ST UNIT 108 Arlington, MA
Owner: DIMAGGIO MICHAEL
Co-Owner: DIMAGGIO ANNETTE VALDEZ
Mailing Address:
108 MILTON ST
ARLINGTON, MA 02474

Prop ID: 4.A-4-96
Prop Location: 96 MILTON ST UNIT 96 Arlington, MA
Owner: COHEN AVI & LANA
Co-Owner:
Mailing Address:
96 MILTON ST
ARLINGTON, MA 02474

Prop ID: 4.A-4-98
Prop Location: 98 MILTON ST UNIT 98 Arlington, MA
Owner: PETERSSON LANA
Co-Owner: COHEN AVI
Mailing Address:
98 MILTON ST UNIT 98
ARLINGTON, MA 02474



Places by Category

- Police Station
- Fire Station
- School
- Library
- Public Works
- Recreation - Facilities

Recreation - Fields Courts

Recreation - Fields Courts

Open Space: Conservation

Open Space - Minuteman

Open Space - Labels

Open Space

Other Town Owned

■ Interstate

 US Highway
 Numbered Routes

Abstracting Reviewer

Barcelo

■

Category: Books

Road1
Road2

Road3
Road4

Pavement Markings


Impervious Surface - For E
Street

 Sidewalk
 Street Island

Driveway
Parking Lot

Roads - For Large Scale (1:25,000)

Roads - For Small Scale (t



Major Road
Local Road

Master Plan Base Map - M

Water Body

[illegible]

Abstract

Abstract

Abstract

Abstract

Abstract

Abstract

Abstract

Abstract

Abstract

100%

Abstract

Abstract

1. *What is the purpose of this study?*

The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Notice of Intent Application

102-104 Milton Street
Assessor's Parcel ID: 4-4-5
Arlington, Massachusetts

April 22, 2021

1. Introduction

On behalf of the Applicant and Property Owner, Milton Street Holdings LLC (Contact: Stephan Bilharz), LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application with the Arlington Conservation Commission under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*), its implementing Regulations (310 CMR 10.00, the *Act Regulations*), the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*), and its implementing *Wetlands Protection Regulations* (March 1, 2018, the *Bylaw Regulations*). The Applicant is filing this NOI Application to construct an addition to an existing two-family dwelling and conduct other site work within Bordering Land Subject to Flooding (BLSF).

As part of this filing, the Applicant proposes to implement mitigation measures, including erosion controls, compensatory flood storage, a reduction of impervious area, and a native landscape plan. The existing conditions and proposed activities are depicted on the *Site Plan – 102-104 Milton Street, Arlington, Massachusetts*, dated April 12, 2021 (Appendix D). Details of the Landscape Plan can be found in the *Proposed Landscape Plan, 102-104 Milton Street, Arlington, Massachusetts*, prepared by De-Sign 2, Inc., and dated March 8, 2021 (*Landscape Plan*, Appendix C). Site photographs are included in Appendix B.

2. General Site Description

The 5,240 ± square foot property is located in a densely developed, residential neighborhood north of the Concord Turnpike (Route 2), northwest of Alewife Brook Parkway, and southwest of Massachusetts Avenue (Route 3), within the southeastern portion of Arlington, Massachusetts. More specifically, the property is located north of Varnum Street, east of Brooks Avenue, and west of Herbert Road, off the south side of Milton Street. Residential development associated with Milton Street and Varnum Street surround the property.

The property contains a 2.5-story, two-family dwelling with two paved driveways extending south from Milton Street east and west of the dwelling. A brick and concrete landing provides access to a front (northerly) facing enclosed porch. A second enclosed porch with concrete steps is located off the rear (south) façade of the dwelling. Additionally, two wooden storage sheds with adjacent concrete and paved walkways, and

a brick paver patio occur off the rear of the dwelling. An overgrown garden bed occurs along the rear (south) property boundary. A 4-foot high chain-link fence is located along the side (east and west) and rear (south) property boundaries. The dwelling and associated appurtenances are surrounded by lawn and overgrown landscaped areas. Landscape plants include a row of forsythia (*Forsythia* sp.) along the rear property boundary, a row of Canada yew along the front property boundary, privet (*Ligustrum* sp.) and a sapling pine (*Pinus* sp.).

Topography generally descends southerly from Milton Street toward the backyard, with an elevation grade of roughly 2 feet.

2.1

Natural Heritage and Endangered Species Program Designation

According to the 14th Edition of the *Massachusetts Natural Heritage Atlas* (effective August 1, 2017) published by the Natural Heritage & Endangered Species Program (NHESP), no areas of Estimated Habitats of Rare Wildlife or Priority Habitat of Rare Species, or Potential or Certified Vernal Pools exist on the site (Appendix A, Figure 3).

3.

Wetland Resource Areas

LEC conducted a site evaluation on March 4, 2021 to identify and characterize existing protectable Wetland Resource Areas located on or immediately adjacent to the site, and determined that the only resource area present on or within 100 feet of the site is BLSF. Alewife Brook is located greater than 1,100 feet south of the property, and no Bordering Vegetated Wetlands (BVW) or other Wetland Resource Areas were observed within at least 100 feet of the site.

3.1

Bordering Land Subject to Flooding

According to 310 CMR 10.57 (2) (a) 1, *Bordering Land Subject to Flooding (BLSF)* is an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland.

According to Section 4 B. (38), *LAND SUBJECT TO FLOODING OR INUNDATION* – shall mean the land within the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm; said boundary shall be that determined by reference to the most recently available flood profile data

prepared for Arlington within which the work is proposed under the National Flood Insurance Program “(NFIP)” ...

According to the June 4, 2010 *Federal Emergency Management Agency Flood Insurance Rate Map* for Middlesex County, Massachusetts (Map No: 25017C0419E), the entire property is located within Zone AE: – *Special Flood Hazard Areas (SFHAs) subject to Inundation by the 1% Annual chance Flood; Base Flood Elevations determined* (Appendix A, Figure 2). According to the FEMA FIRM, the Zone AE occurs at the Elevation 7 contour (Datum: NAVD 88). Therefore, the entire property is jurisdictional as BLSF. No portion of the site is located within the Floodway.

4. **Proposed Construction Activities**

The Applicant proposes to remove the existing porch, two storage sheds, and associated concrete landing, walkways, and brick paver patio located off the rear of the dwelling, and construct a living space addition (with roof deck), with new steps and landing steps. The front porch will be reconstructed within the existing footprint. Two additional landings with steps are proposed on either side (east and west) of the dwelling to improve access/egress from the units. Two 11.5’ X 11.5’ permeable paver patios are also proposed in the backyard within an existing low point to promote stormwater management.

The existing paved driveway east of the dwelling will be reduced by roughly half, with the newly exposed land converted to a paver walkway, lawn, and landscaped land as detailed on the *Landscape Plan*. A permeable paver apron will be added to the proposed driveway entrance off Milton Street, and the second paved driveway located west of the dwelling will be converted to permeable pavers. In total, the project results in a 1,048± square-foot reduction (or roughly 32% reduction) of impervious area, with existing impervious area measuring roughly 3,270 square feet, and proposed impervious area measuring roughly 2,222 square feet.

In order to meet FEMA Building Code requirements, and in order to comply with compensatory flood storage requirements enumerated in the *Act* and *Bylaw*, the proposed addition will be constructed atop a crawl-space foundation. Two (2) flood vents will be installed in the foundation walls to allow for flood water to ebb and flow as needed during anticipated flooding associated with the 0.1% Annual Chance Flood.

Site grading is proposed to provide compensatory flood storage that exceeds the requirements in the *Act* and the *Bylaw*, with land excavation proposed in the backyard (see attached *Plan*, with Flood Fill/Comp. Calculations). All site grading has been designed to meet the performance standards for work within BLSF required under the *Act Regulations* and the *Bylaw Regulations* as discussed in greater detail below in Section 6.

5 Mitigation Measures

In addition to the 1,048± square-foot decrease (or roughly 32%) in impervious surface, the Applicant intends to implement erosion controls to protect adjacent property during construction, and provide compensatory flood storage to improve the flood storage capacity on the site. The planting of native saplings and shrub is also proposed to improve existing site conditions. These mitigating measures are intended to meet or exceed the regulatory requirements enumerated in the *Act Regulations* and the *Bylaw Regulations*, and to promote climate resiliency in accordance with the *Bylaw Regulations*. A description of each of these mitigating measures is provided below.

5.1 Erosion and Sedimentation Control

The Applicant proposes to implement an erosion control program to protect the adjacent Wetland Resource Areas from sedimentation during construction activities. The plan for the control of potential impacts to the adjacent Wetland Resource Areas is based on DEP guidelines and will be comprised of staked compost filter tubes along the eastern, western, and southern Limit-of-Work line. All erosion control measures will remain in place until disturbed areas are stabilized by vegetation. The location of the proposed erosion controls and a detail are shown on the *Site Plans* (Appendix D).

5.2 Stormwater Management

While the project results in a decrease of impervious surface, and therefore not subject to regulatory stormwater management requirements, the Applicant proposes to provide stormwater management to control run-off that may settle in a topographic low point in the backyard in the form of two permeable paver patios. Porous pavement details are provided on the *Site Plans* (Appendix D), and specify that roughly 15 inches of stone be placed beneath the pavers. The void space between the stone will allow for collection and infiltration of stormwater.

5.3

Compensatory Flood Storage

Project Engineer Al Gala of Gala Simon Associates, Inc., has designed the project to provide a >2:1 ratio of compensatory flood storage compared to proposed fill within the floodplain resulting from the proposed project, as provided on the Flood Fill/Comp. Calculations section of the *Plan*. Work is proposed within BLSF between elevations 4 and 7. Specifically, 18 cubic feet of fill are proposed between elevations 4 and 5; and 36 cubic feet of fill are proposed between elevations 5 and 6 and 6 and 7. Compensatory flood storage is proposed that exceeds state and local requirements, including 113 cubic feet between elevations 4 and 5 (6.2:1); 153 cubic feet between elevations 5 and 6 (4.25:1), and 187 cubic feet between elevations 6 and 7 (5.2:1). Accordingly, the project results in significantly more flood storage compared to existing conditions, and contributes to climate resiliency in accordance with the *Bylaw Regulations*.

5.4

The Planting of Native Sapling Trees and Shrubs

In addition to reducing impervious area by roughly 32% and providing compensatory flood storage that exceeds state and local requirements, the Applicant proposes to implement the *Landscape Plan*, which includes both native sapling trees, shrubs, and groundcover mixed with cultivars and ornamental plantings. The intent of this *Landscape Plan* is to balance the added function and value of native plants with more aesthetically pleasing ones. Native/cultivar plants include: flowering dogwood (*Cornus florida*); witch hazel (*Hamamelis virginiana*); arrowwood (*Viburnum* sp.); inkberry (*Ilex glabra*); red oak (*Quercus rubra*); basswood (*Tilia americana*); eastern red cedar (*Juniperus virginiana*); sweetbay magnolia (*Magnolia virginiana*); wild ginger (*Asarum canadense*); and Pennsylvania sedge (*Carex pensylvanica*). Ornamental plants include: hydrangea (*Hydrangea* sp.); fothergilla (*Fothergilla* sp.); and emerald green arborvitae (*Thuja* sp.).

6.

Regulatory Performance Standards

The *Act Regulations* and *Bylaw Regulations* provide specific performance standards for work within Bordering Land Subject to Flooding, and the *Bylaw Regulations* provide additional standards for climate resiliency. Citations of the pertinent performance standards are provided below, along with a description of how the project meets these standards.

6.1

Bordering Land Subject to Flooding Performance Standards

The *Act Regulations* at 310 CMR 10.57 (4) state that *work within BLSF shall conform to the following criteria:*

(a) *Bordering Land Subject to Flooding*

- (1) Compensatory storage shall be provided for all flood storage volume that will be lost as a result of the proposed work.*

The project will result in an increase of flood storage volume compared to existing conditions for each incremental elevation where work is proposed, between elevations 4 and 7, as depicted on the Flood Fill/Comp. Calculations section of the *Plan*.

- (2) Work within BLSF...shall not restrict flows so as to cause an increase in flood stage or velocity.*

Proposed work in the floodplain will not restrict flows or cause an increase in flood storage.

- (3) within BLSF shall not impair its capacity to provide important wildlife habitat functions.*

According to the BLSF Preamble at 310 CMR 10.57 (1) (a) 3:

Certain portions of Bordering Land Subject to Flooding are also likely to be significant to the protection of wildlife habitat. These include all areas on the ten year floodplain or within 100 feet of the bank or bordering vegetated wetland (whichever is further from the water body or waterway, so long as such area is contained within the 100 year floodplain), and all vernal pool habitat on the 100 year floodplain, except for those portions of which have been so extensively altered by human activity that their important wildlife habitat functions have been effectively eliminated (such "altered" areas include paved and graveled areas, golf courses, cemeteries, playgrounds, landfills, fairgrounds, quarries, gravel pits, buildings, lawns, gardens, roadways (including median strips, areas enclosed within highway interchanges, shoulders, and embankments), railroad tracks (including ballast and embankments), and similar areas lawfully existing on November 1, 1987 and maintained as such since that time).

The portion of land located within BLSF is "altered" and is therefore not significant to the protection of wildlife habitat.

(b) Protection of Rare Wildlife Species

(1) Notwithstanding the provisions of 310 CMR 10.57(4)(a) or (b), no project may be permitted which will have any adverse effect on specified wildlife habitat sites of rare vertebrate or invertebrate species.

There are no specified wildlife habitat sites of rare vertebrate or invertebrate species located on the project site; therefore, the proposed project will have no adverse effect on any such sites.

6.2

Bylaw Performance Standards for Work Within the Floodplain

Section 23 D. of the *Bylaw Regulations* states: *The Commission may permit activity on land subject to flooding provided it shall not result in the following:*

(1) Flood damage due to filling which causes lateral displacement of water that would otherwise be confined within said area.

The project has been designed to provide more compensatory flood storage than currently exists, with >2:1 compensatory flood storage for each incremental elevation between elevations 4 and 7 compared to existing conditions, and will not result in any increased lateral displacement of water.

(2) Adverse effect on public and private water supply or groundwater supply, where said area is underlain by pervious material.

The project will not result in any increase in pollutants that could otherwise potentially result in an adverse effect on public or private water supply or groundwater supply.

(3) An adverse effect on the capacity of said area to prevent pollution of the groundwater, where the area is underlain by pervious material which in turn is covered by a mat of organic peat and muck.

LEC did not observe any such conditions within or near the subject property.

6.3

BLSF Climate Resiliency

The *Bylaw Regulations* (Section 23 D.) also state that *the applicant shall take into consideration the impacts of climate change on the activities proposed on land subject to flooding, especially in terms of the compensatory flood storage as a climate change resilience strategy. Any such activity shall provide compensatory flood storage for all flood storage volume that will be lost at each elevation. Compensatory flood storage*

shall be at a 2:1 ratio, minimum, for each unit volume of flood storage lost at each elevation.

As described above in Section 5.3 of this NOI Report, Project Engineer Al Gala of Gala Simon Associates, Inc., has designed the project to provide a >2:1 ratio of compensatory flood storage compared to flood storage loss, as provided on the Flood Fill/Comp. Calculations section of the *Plan*.

6.4

General Climate Resiliency

The Bylaw Regulations (Section 31) state that B. The Applicant shall, to the extent practicable and applicable as determined solely by the Commission, integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future. These considerations are especially important in Land Subject to Flooding (floodplain) and Riverfront Area and other Resource Areas which protect the interest of Flood Control and Storm Damage Prevention, including Adjacent Upland Resource Areas. These Resource Areas may be directly impacted by extreme weather events expected to be more prevalent or more intense due to climate change, in surface runoff of pollutants, and in wildlife habitat due to changes in temperature. The Applicant shall consider the project's adaptation to potential climate change impacts by addressing the following:

(1) Describe project design considerations to limit storm and flood damage during extended periods of disruption and flooding as might be expected in extreme weather events. See Vegetative Wetlands Section 21, Land Subject to Flooding Section 23, and Adjacent Upland Resource Area Section 25, of these Regulations.

The Applicant proposes >2:1 compensatory flood storage for all filled floodplain for each incremental elevation within the floodplain, thereby exceeding the *Act* and *Bylaw* requirements. The project also results in a 1,048 square-foot reduction (or roughly 32%) in impervious area within the floodplain. Efforts have been made to manage stormwater by proposing two pervious paver patios at a low point in the backyard. Finally, the Applicant will implement the *Landscape Plan*, which specifies many native plants for the property. Accordingly, the project significantly improves the site's climate change resiliency in accordance with the requirements in the *Bylaw Regulations*.

(2) Describe project stormwater surface runoff, which may increase due to storm surges and extreme weather events, and how this will be managed / mitigated to prevent pollution (including nutrients from fertilizers, roadway runoff, etc.) from entering the

resource area with consideration of eliminating impervious surfaces as feasible. See Stormwater Management Section 33 of these Regulations.

The Applicant has reduced impervious area by roughly 32% by removing the existing sheds, walkways, and pavement, and converting existing driveway pavement to pervious pavers. This effort will reduce the rate of stormwater run-off from the property. Further, two pervious paver patios are proposed in the backyard which will collect and infiltrate stormwater run-off from the site.

(3) Describe project vegetation / planting plans and other measures to improve the resiliency of the wildlife habitat of the resource area to withstand potential temperature and rainfall changes (drought and excess) due to climate change. See Vegetation Removal and Replacement Section 24 of these Regulations.

The Applicant will implement the *Landscape Plan*, which specifies many native plants for the property. This effort will improve wildlife habitat and mitigate sediment and nutrients compared to existing conditions.

(4) Describe measures to protect proposed structures and minimize damage to structures due to the impacts of climate change.

Given that the existing dwelling and proposed addition are located within the floodplain, and the Applicant will retain the existing structure, there is little the Applicant can do to protect the existing structure (other than the overall reduction of impervious land on the site and the addition of native plants). However, flood vents are proposed for the proposed addition off the rear of the structure in accordance with FEMA Building Code, which will allow flood water to pass beneath the addition during periods of flooding.

7. **Summary**

On behalf of the Applicant and Property Owner, Milton Street Holdings LLC, LEC is filing the enclosed NOI Application with the Arlington Conservation Commission to build an addition to a two-family dwelling at 102-104 Milton Street and conduct other site work. The proposed activities will occur within BLSF, as jurisdictional under the *Act*, its implementing *Regulations*, and the *Bylaw* and *Bylaw Regulations*.

In an effort to mitigate for the proposed activities, the Applicant proposes to implement mitigation measures, including erosion controls to protect the adjacent properties during construction, compensatory flood storage at a > 2:1 ratio which exceeds the requirements

enumerated in the *Act Regulations* and the *Bylaw Regulations*, and an overall reduction of impervious area by 1,048± square feet, or roughly 32%. Further, the Applicant will implement the enclosed *Landscape Plan*, which includes many native plants intended to improve wildlife habitat and promote climate resiliency. The project, including the proposed mitigating measures, meets or exceeds the performance standards enumerated in the *Act Regulations*, and the *Bylaw Regulations*, and the Applicant requests that the Commission issue an Order of Conditions approving the project as proposed herein.

Arlington Conservation Commission, *Town of Arlington Wetlands Protection Bylaw* (Article 8) Town of Arlington, Massachusetts.

Massachusetts Department of Environmental Protection, Division of Wetlands and Waterways 1995. *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act, A Handbook*. 89 pp.

Massachusetts Natural Heritage and Endangered Species Program Atlas of Estimated Habitat of State-listed Rare Wetlands Wildlife, Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries & Wildlife, Route 135, Westborough, MA 01581, www.state.ma.us/dfwele/dfw

Massachusetts Wetlands Protection Act (M.G.L. c. 131, §. 40), www.state.ma.us/dep
Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00),
www.state.ma.us/dep

National Flood Insurance Program, Federal Emergency Management Agency Flood Insurance Rate Map (Map Number 25017C0419E), Middlesex County, June 4, 2010.

New England Hydric Soils Technical Committee. 2019, 4th ed., *Field Indicators for Identifying Hydric Soils in New England*, New England Interstate Water Pollution Control Commission, Lowell, MA.

Reed, P.B. 1988. *National List of Plant Species that Occur in Wetlands: 1988 Massachusetts*. U.S. Department of the Interior, Fish and Wildlife Service. NERC-88/18.21

Appendix A

Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map



Office of Geographic and Environmental Information
(MassGIS), Commonwealth of Massachusetts
Executive Office of Environmental Affairs

1:25,000 USGS Topographic Images - April 2001



Environmental Consultants, Inc.

Wakefield, MA
781.245.2500

www.lecenvironmental.com

Figure 1: USGS Topographic Map
102-104 Milton Street
Arlington, MA

April 14, 2021



0 200 400 Feet
114 of 181

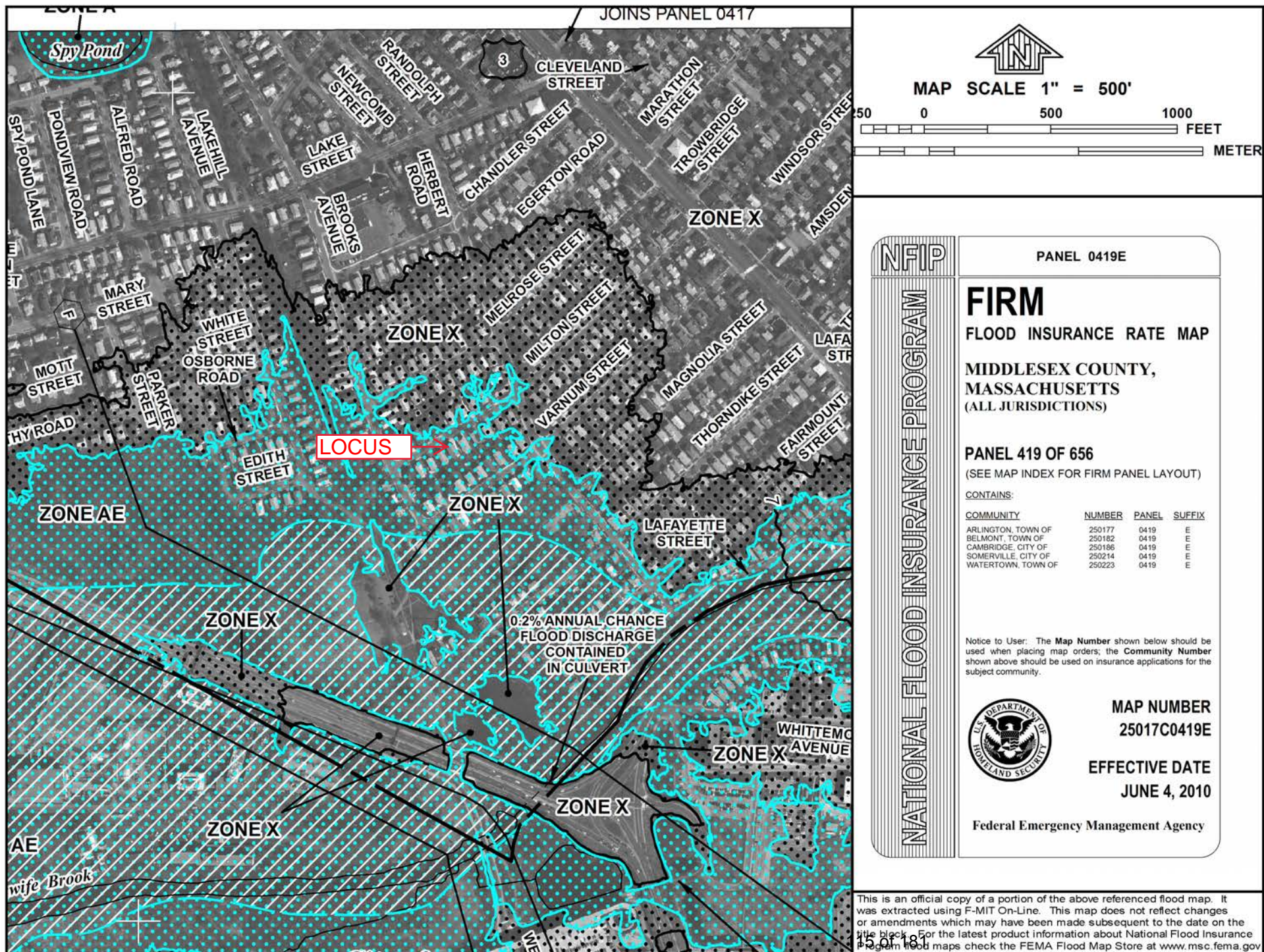


Figure 2: FEMA Flood Insurance Rate Map

LEGEND



SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.



FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.



ZONE X

Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.



OTHER AREAS

ZONE X

Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D

Areas in which flood hazards are undetermined, but possible.



COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS



OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.



1% annual chance floodplain boundary



0.2% annual chance floodplain boundary



Floodway boundary



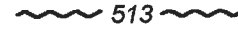
Zone D boundary



CBRS and OPA boundary



Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.



Base Flood Elevation line and value; elevation in feet*

(EL 987)

Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988



Cross section line



Transect line

87°07'45", 32°22'30"

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

2476000mN

1000-meter Universal Transverse Mercator grid values, zone 19

600000 FT

5000-foot grid values: Massachusetts State Plane coordinate system, Mainland zone (FIPZONE 2001), Lambert Conformal Conic projection

DX5510 x

Bench mark (see explanation in Notes to Users section of this FIRM panel)

● M1.5

River Mile

MAP REPOSITORY

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP

June 4, 2010

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL



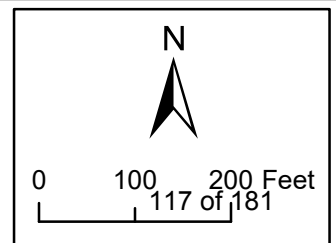
Environmental Consultants, Inc.

Wakefield, MA
781.245.2500

www.lecenvironmental.com

Figure 3: MassGIS Orthophoto & NHESP Map
102-104 Milton Street
Arlington, MA

April 14, 2021



Appendix B

Site Photographs

Site Photographs: 102-104 Milton Street, Arlington, MA



Northerly view of backyard and rear of dwelling with two sheds and brick paver patio to be removed.



Southerly view of two sheds, staircase, walkways, etc. to be removed.

Site Photographs: 102-104 Milton Street, Arlington, MA



Northerly view of eastern dwelling façade and existing paved driveway to be reduced by nearly half.



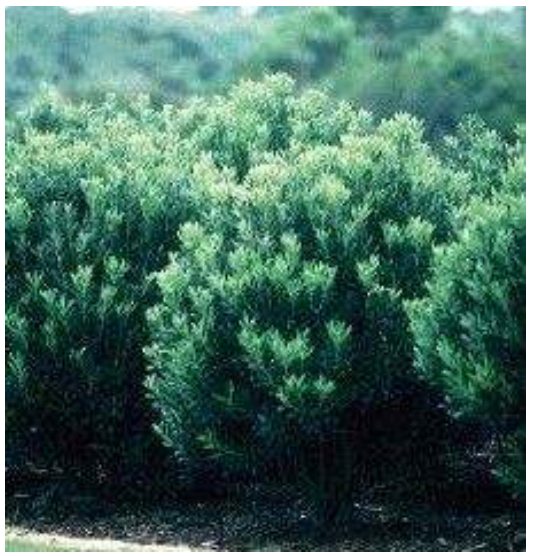
Easterly view of rear property boundary/backyard.

Appendix C

Proposed Landscape Plan, 102-104 Milton Street, Arlington, MA
prepared by De-Sign 2, dated March 8, 2021



Cf - Cornus florida (2) 2-25" Cal.



IgS - Ilex glabra 'Shammock' (1) 5 gal



HS - Hydrangea 'Invincible Spirit' (9)



FBM - Fothergilla 'Blue Mist' (4) 3 gal



Mv - Magnolia virginiana (2) 7-8'



GrF - Quercus rubra Fastigiata (6) 25-3" cal.



TaF - Tilia americana Fastigiata (1) 25-3" Cal.



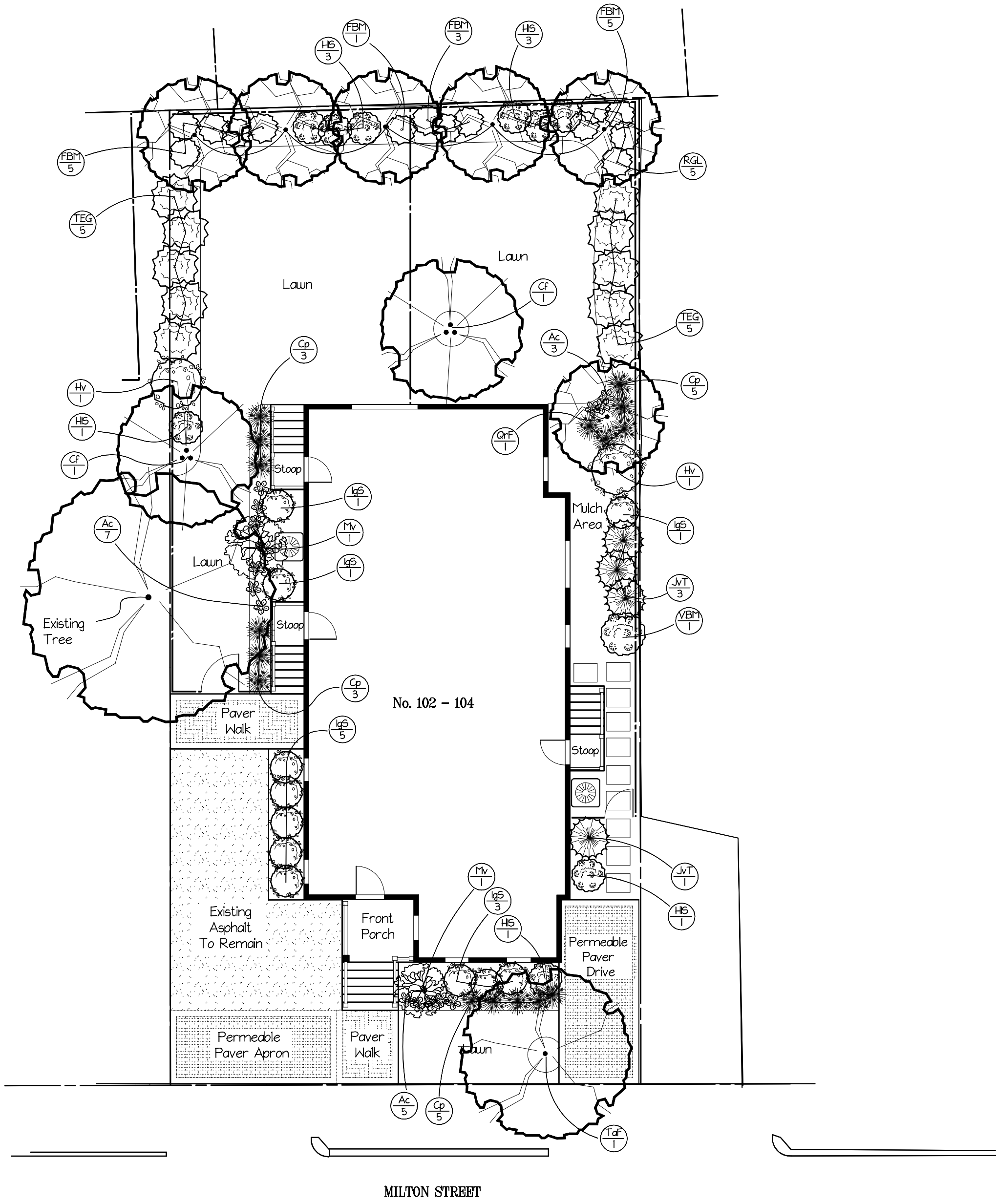
JvT - Juniperus virginiana 'Taylor' (4) 7-8'



VB1 - Viburnum 'Blue Muffin' 5-6'



Hv - Hamamelis virginiana (2) 6-7'



CP - Carex pensylvanica (6) 1 gal

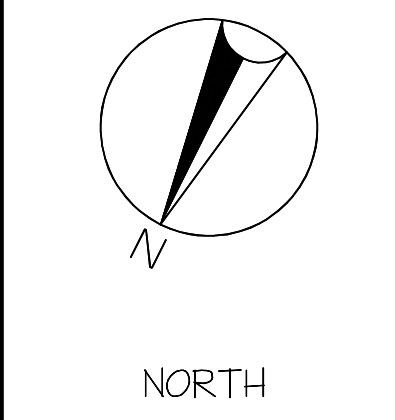
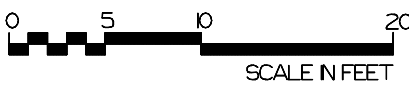


Ac - Asarum canadense (5) 1 gal



Thjs o. 'Emerald Green' (10) 7-8'

ZONING LEGEND			
ZONING DISTRICT: R2 TWO-FAMILY			
	REQUIRED	EXISTING	PROPOSED
MIN. AREA	6,000 S.F	5,240 S.F.± (MEASURED)	5,240 S.F.± (MEASURED)
MIN. FRONTAGE	60'	50.00'	50.00'
MIN. YARD FRONT		12.9'	12.9'
	SIDE	7.3'	8.3'
	REAR	35.9'	31.7'
MAX. LOT COV.	35%	34.8%	32.7%
MIN. LANDSCAPED OPEN SPACE	10%	28.1%	23.2%
MIN. USABLE OPEN SPACE	30%	13.7'±	30.4'±
MAX. BLDG. HEIGHT	35'	35.6'±	35.6'±



Appendix D

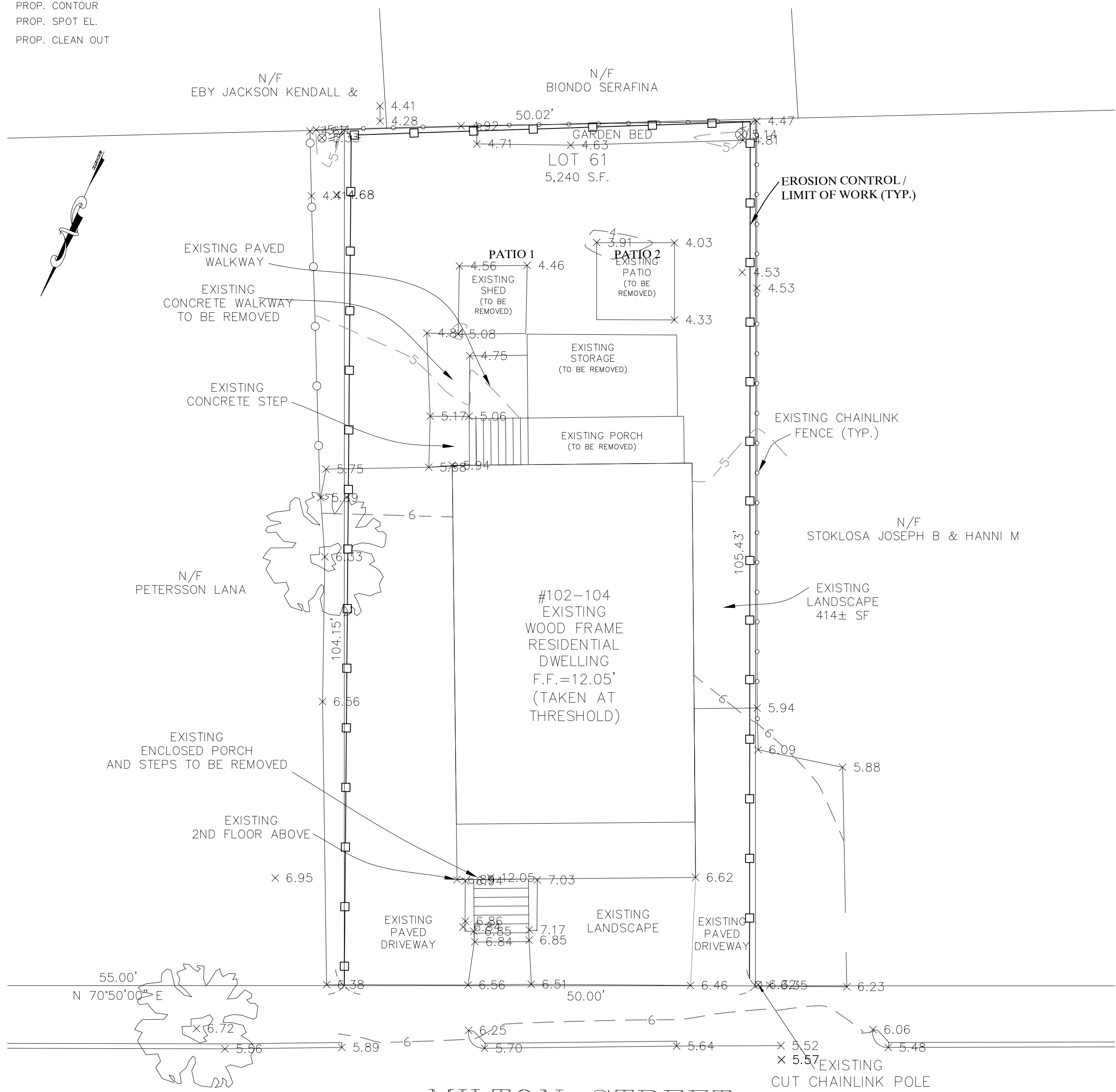
Site Plan, 102-104 Milton Street,, Arlington, Massachusetts,
dated April 18, 2021, prepared by Gala Simon Associates, Inc.

LEGEND

- TP SOIL TEST PIT
R RIM
I INVERT
98 PROP. CONTOUR
+99.7 PROP. SPOT EL.
C.O. PROP. CLEAN OUT

LEGEND

- TP SOIL TEST PIT
R RIM
I INVERT
98 PROP. CONTOUR
+99.7 PROP. SPOT EL.
C.O. PROP. CLEAN OUT



MILTON STREET
(PUBLIC WAY - 40' WIDE)

EXISTING SITE PLAN

SCALE: 1" = 10'

SITE IS FEMA DESIGNATED AE
EL. 7.00 NAVD1988

Existing Flood Storage

El.	Area (s.f.)	Volume (c.f.)
4.0	18	859
5.0	1700	1929
6.0	2157	2825
7.0	3493	

Proposed Flood Storage

El.	Area (s.f.)	Volume (c.f.)
4.0	480	1152
5.0	1825	2060
6.0	2296	3048
7.0	3799	

Filled Flood Storage

El.	Area (s.f.)	Volume (c.f.)
4.0	0	18
5.0	36	36
6.0	36	36
7.0	36	

Compensatory Flood Storage

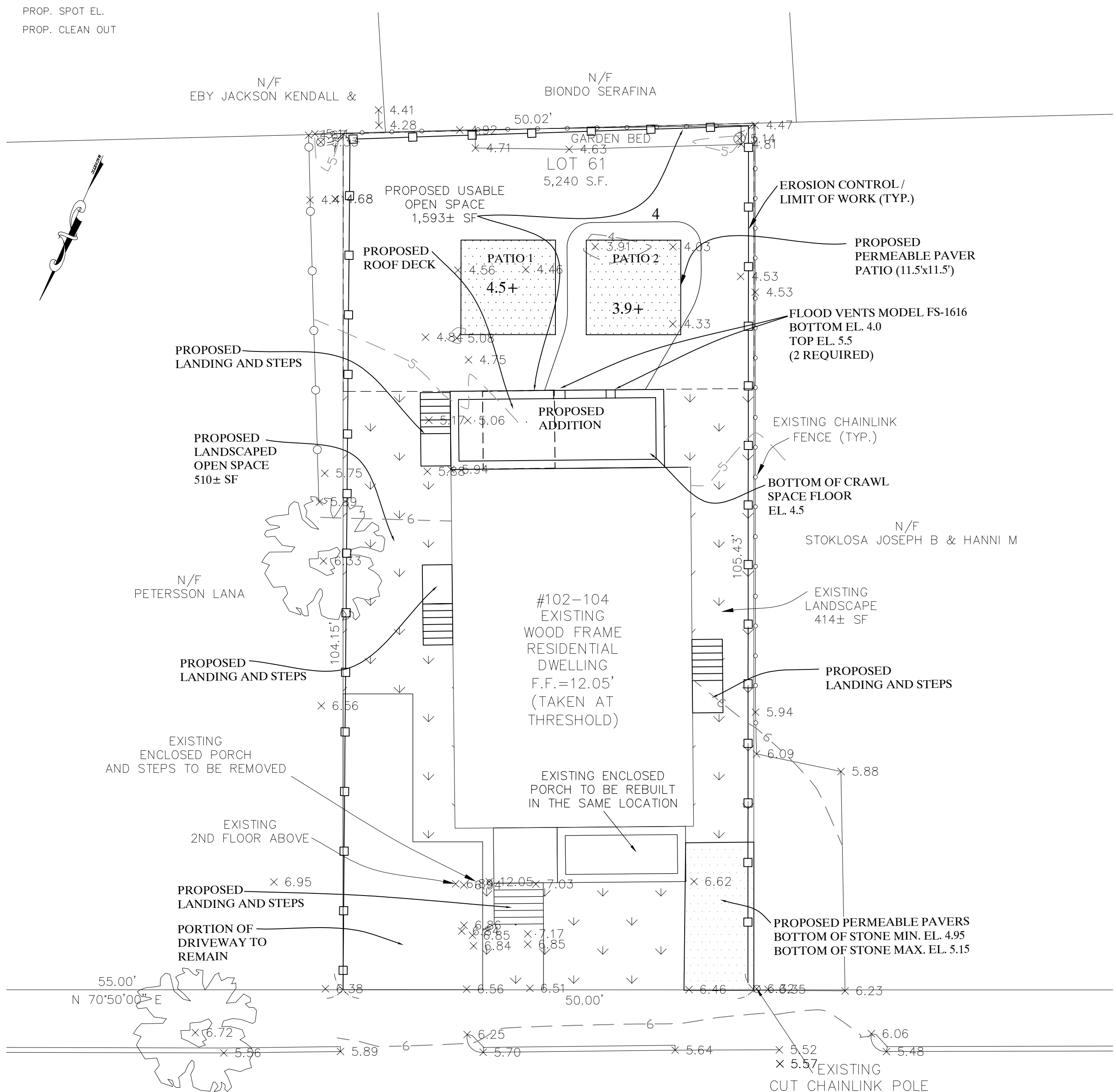
El.	Area (s.f.)	Volume (c.f.)
4.0	107	113
5.0	119	153
6.0	187	187
7.0	187	

FLOOD STORAGE CALCULATIONS WITHIN PROPERTY

NOTE: CALCULATIONS FOR FLOOD STORAGE UNDER PROPOSED CONDITIONS WERE PERFORMED INCLUDING THE TOTAL VOLUME ENTERING THE FOUNDATION THROUGH THE VENTS.

FLOOD FILL/COMP. CALCULATIONS

NOTE: COMPENSATORY VOLUMES CALCULATED IN AREAS NOT PREVIOUSLY CONSIDERED FLOODPLAIN. A 2:1 COMPENSATORY RATIO IS PROVIDED AS REQUIRED BY THE ARLINGTON CONSERVATION COMMISSION.



MILTON STREET
(PUBLIC WAY - 40' WIDE)

PROPOSED SITE PLAN

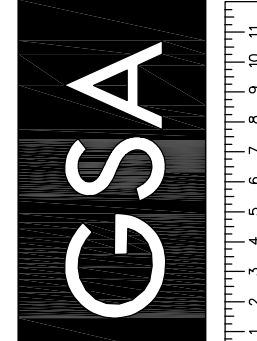
SCALE: 1" = 10'

IMPERVIOUS AREAS TABLE

	EXISTING (SF)	PROPOSED (SF)
DWELLING	1,466	1,376
DRIVEWAY	1,158	459
STORAGE	183	—
PORCH	144	—
WALKWAY	98	59
PATIO	89	—
SHED	68	—
LANDING/STEPS	64	81
ADDITION	—	247
TOTAL	3,270	2,222

Gala Simon
Associates Inc.
394 LOWELL STREET, SUITE 18
LEXINGTON, MA 02420
Tel: (781) 676-2962

Gala Simon Associates



Civil Engineers

SITE PLAN

102-104 MILTON STREET
ARLINGTON, MASSACHUSETTS

Job No. 2109 Date: 4/12/2021
Drawn By: PC Scale: AS SHOWN
Rev# Date: Description:



C-0

GENERAL NOTES

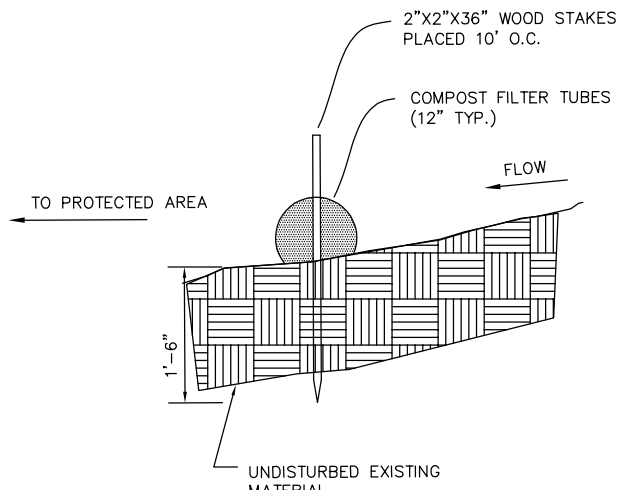
- EXISTING CONDITIONS SURVEY INFORMATION OBTAINED FROM SPRUHAN ENGINEERING, P.C., NEWTON, MA.
OWNER/CLIENT ASSUMES ALL RESPONSIBILITY FOR SOURCES AND AUTHORIZATION TO USE ELECTRONIC AND RECORD FILES.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING INFORMATION ON THE GROUND AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER IMMEDIATELY FOR A DECISION PRIOR TO CONSTRUCTION.
- ALL AREAS OUTSIDE OF THE LIMIT OF WORK LINES SHALL NOT BE DISTURBED IN ANY MANNER BY THE CONTRACT OPERATIONS. THE CONTRACTOR SHALL KEEP OUT OF THESE AREAS AND PRESERVE THEIR EXISTING CHARACTER.
- INSTALL TEMPORARY EROSION CONTROL MEASURES PRIOR TO CONSTRUCTION FOR APPROVAL BY THE DESIGN ENGINEER.
- PROVIDE SMOOTH TRANSITION AT CHANGES IN GRADE EXCEPT AS INDICATED ON THE DRAWINGS AND AS DIRECTED BY THE ENGINEER.
- THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UNDERGROUND UTILITY LINES; ACTIVE OR NOT. AND SHALL MAINTAIN A CLOSE AND CONSTANT CONTACT WITH ALL UTILITY COMPANIES INVOLVED. CALL DIG-SAFE 888-344-7233. THE TOWN OF ARLINGTON IS NOT A MEMBER OF DIG-SAFE. WHEN ACTIVITIES REQUIRE A DIG-SAFE MARKOUT, THE TOWN OF ARLINGTON SHALL BE CONTACTED AT 781-316-3310 TO REQUEST A MARKOUT.
- ALL ELEVATIONS ARE REFERENCED TO NAVD88.
- CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS, PERMITTING, AND LICENSES ISSUED AT THE FEDERAL, STATE AND LOCAL AGENCIES.
- CONTRACTOR SHALL COORDINATE ALL SITE UTILITY IMPROVEMENTS WITH THE TOWN OF ARLINGTON OFFICIALS.
- ENGINEER IS TO BE CONTACTED BY CONTRACTOR TO PERFORM AS BUILT MEASUREMENTS.
- OWNER/DEVELOPER IS TO COMPLY WITH ALL OF MASSACHUSETTS DEP SITE DEVELOPMENT REGULATIONS.
- THE CONTRACTOR SHALL COORDINATE WITH THE DESIGN ENGINEER AND THE TOWN OF ARLINGTON ENGINEERING DIVISION TO PERFORM INSPECTION OF 1) BOTTOM OF EXCAVATION AND 2) SYSTEM AFTER INSTALLATION BUT PRIOR TO BACKFILL. THE ENGINEERING DIVISION SHALL BE NOTIFIED A MINIMUM OF 24-HOURS PRIOR TO THE DESIRED INSPECTION.
- THE CONTRACTOR/OWNER SHALL ARRANGE FOR THE DESIGN ENGINEER TO DEVELOP AN AS-BUILT PLAN OF ALL IMPERVIOUS AREAS ON THE SITE FOR SUBMITTAL TO THE TOWN OF ARLINGTON ENGINEERING DIVISION.
- PROPOSED GRADING AND DOWNSPOUT OVERFLOWS SHALL NOT DIRECT RUNOFF TOWARDS ABUTTING PROPERTIES. RUNOFF SHOULD NOT BE DIRECTED ACROSS ADJACENT PROPERTY LINES.
- ADEQUATE MEASURES SHALL BE TAKEN TO PREVENT RUNOFF SEDIMENT FROM THE SITE COLLECTING ON THE SIDEWALK, ROADWAY, OR ABUTTING PROPERTIES DURING CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL REMOVE ALL SEDIMENT OR PRODUCTS OF EROSION FROM THE RIGHT OF WAY WHEN NECESSARY AND COMPLETE PERIODIC SWEEPING OF THE STREETS.
- THE TOWN OF ARLINGTON UPDATE GENERAL NOTE #6 TO INDICATE THE TOWN OF ARLINGTON WATER AND SEWER DIVISION SHOULD BE CONTACTED AT 781-316-3310 TO REQUEST A MARKOUT.
- ADDITIONAL PERMITTING WILL BE REQUIRED THROUGH THE ARLINGTON ENGINEERING DIVISION FOR PROPOSED UTILITY CONNECTIONS, SIDEWALK WORK, AND CURB CUT WORK.

LAYOUT & GRADING NOTES

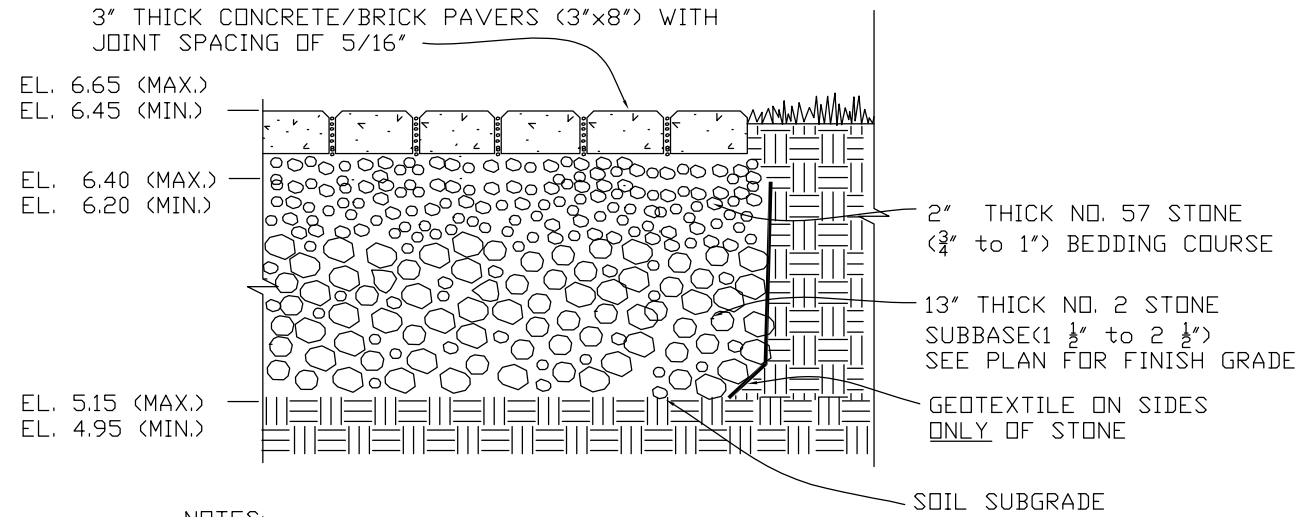
- CONSULT ALL DRAWINGS AND SPECIFICATIONS FOR COORDINATION REQUIREMENTS BETWEEN ALL TRADES PRIOR TO COMMENCING NEW CONSTRUCTION.
- LOCATION OF EXISTING UTILITIES SHOWN ARE DIAGRAMMATIC ONLY. CONTRACTOR SHALL CONTACT THE PROPER AUTHORITIES IN WRITING TO CONFIRM THE LOCATIONS OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE INCURRED DURING CONSTRUCTION TO ANY UTILITY SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO OWNER.
- CONTRACTOR TO REFER TO A SURVEYOR PLOT PLAN FOR ACCURATE OFFSETS TO TO PROPERTY LINE.

UTILITY NOTES

THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THIS PLAN, PRIOR TO ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION AND APPROPRIATE REMEDIAL ACTION BEFORE PROCEEDING WITH THE WORK. THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED ON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES SUCH AS CATCH BASINS, MANHOLES, WATERGATES, ETC. AND COMPILED FROM PLANS SUPPLIED BY VARIOUS UTILITY COMPANIES AND GOVERNMENT AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, ALL UTILITY COMPANIES OR AGENCIES PRIOR TO ANY EXCAVATION WORK. CALL DIGSAFE AT 1-888-344-7233.

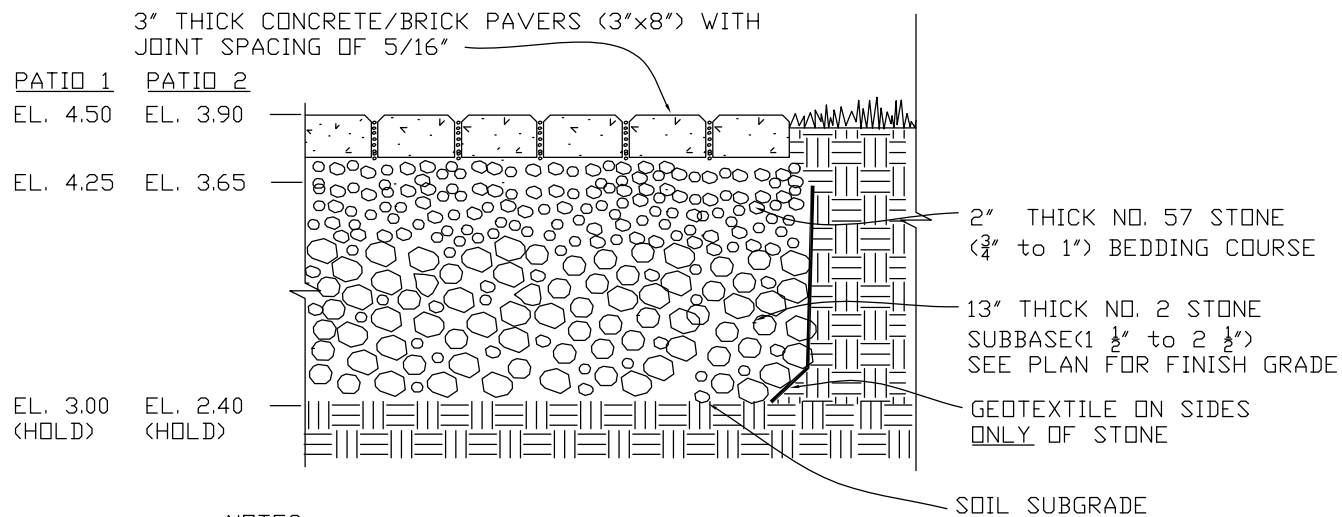


1 EROSION CONTROL
C-0 SCALE: NTS



NOTES:
1. ALL STONE TO BE DOUBLE WASHED.

2 CONCRETE/BRICK POROUS PAVERS
C-0 SCALE: NTS (DRIVEWAY)



NOTES:
1. ALL STONE TO BE DOUBLE WASHED.

3 CONCRETE/BRICK POROUS PAVERS
C-0 SCALE: NTS (PATIOS)

Gala Simon
Associates Inc.
394 LOWELL STREET, SUITE 18
LEXINGTON, MA 02420
Tel: (781) 676-2962



SITE PLAN

102-104 MILTON STREET
ARLINGTON, MASSACHUSETTS

Job No. 2109	Date: 4/12/2021
Drawn By: PC	Scale: AS SHOWN
Rev#	Date: Description:





Town of Arlington, Massachusetts

Notice of Intent

Summary:

Notice of Intent: 55 Orient Ave
MassDEP File #unassigned

This project proposes to construct an addition to a single-family dwelling within the 100-ft wetlands 8:15pm buffer of an isolated vegetated wetland.

ATTACHMENTS:

Type	File Name	Description
□ Notice of Intent	55_Orient_Ave_NOI_redacted.pdf	55 Orient Ave NOI

Notice of Intent Application and Wetland Resource Area Analysis

April 22, 2021

Subject Property

55 Orient Avenue

Parcel ID: 110-1-5

Arlington, Massachusetts

Applicant and Property Owner

Elizabeth Stanton

55 Orient Avenue

Arlington, MA 02476

LEC Environmental Consultants, Inc.

380 Lowell Street

Suite 101

Wakefield, MA 01880

781-245-2500

781-245-6677 fax

www.lecenvironmental.com

April 22, 2021

Hand Delivery

Arlington Conservation Commission
Arlington Town Hall Annex
730 Massachusetts Avenue
Arlington, MA 02476

**Re: Notice of Intent Application and
Wetland Resource Area Analysis
55 Orient Avenue
Parcel ID: 110-1-5
Arlington, Massachusetts**

[LEC File #: StaL\21-029.02]

Dear Members of the Conservation Commission:

On behalf of the Applicant and Property Owner, Elizabeth Stanton, LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application and Wetland Resource Area Analysis with the Arlington Conservation Commission to construct an addition to a single-family dwelling and reconstruct existing deck stairs at 55 Orient Avenue in Arlington, Massachusetts. Portions of the proposed activities are located within the outer portion of the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW), as jurisdictional under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*) and its implementing Regulations (310 CMR 10.00, the *Act Regulations*), and the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*) and its *Regulations Pursuant to the Town of Arlington Regulations for Wetlands Protection* (the *Bylaw Regulations*). The project is also located roughly 23 feet from a drainage ditch that may be jurisdictional under the *Bylaw* only.

LEC was retained to identify Wetland Resource Areas protectable under the *Act* and the *Bylaw*, and to prepare this NOI Application. Rober Survey has prepared the enclosed *Conservation Plan* dated January 15, 2021 (Appendix C).

Enclosed please find two checks made payable to the Town of Arlington in the amounts of Sixty-Seven Dollars and Fifty Cents (\$67.50) and Two Hundred Dollars (\$200.00) for the purpose of filing this Application under the *Act* and the *Bylaw*, respectively.

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508.746.9491

380 Lowell Street
Suite 101
Wakefield, MA 01880
781.245.2500

100 Grove Street
Suite 302
Worcester, MA 01605
508.753.3077

P.O. Box 590
Rindge, NH 03461
603.899.6726

680 Warren Avenue
Suite 3
East Providence, RI 02914
401.685.3109

128 of 181

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI



Thank you for your consideration of this Application. We look forward to meeting with you at the May 6, 2021 Public Hearing. Should you have any questions, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at rkirby@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

A handwritten signature in black ink, appearing to read "Richard A. Kirby", is written over a horizontal line.

Richard A. Kirby

Senior Wetland Scientist

cc: DEP, Northeast Region
Elizabeth Stanton

rak: projects\21-050\StaL\NOI Report.doc

i.	WPA Form 3 – Notice of Intent
ii.	Town of Arlington Appendix 3 – Bylaw Filing Fee and Transmittal Form
iii.	Legal Notice Charge Authorization Form
iv.	Affidavit of Service
v.	Letter to Abutters
vi.	Abutter Notification Form
vii.	Certified List of Abutters

Notice of Intent Report & Wetland Resource Area Analysis

1.	Introduction	1
2.	General Site Description	1
2.1	Natural Heritage and Endangered Species Program Designation	2
2.2	Floodplain Designation	2
3.	Wetland Boundary Determination Methodology	2
4.	Wetland Resource Areas	3
4.1	Bordering Vegetated Wetlands	3
4.2	Drairage Ditch	4
5.	Proposed Activities	5
6.	Mitigation Measures	5
6.1	Erosion and Sedimentation Control	5
6.3	Native Plantings	6
7.	Regulatory Compliance	6
8.	Summary	8

Literature Referenced

Appendices

Appendix A

Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map

Appendix B

Site Photographs

Appendix C

Conservation Plan dated January 15, 2021, prepared by Rober Survey

Enlargement of Proposed Work Area



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw

Provided by MassDEP:

MassDEP File Number

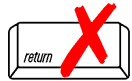
Document Transaction Number

Arlington

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

55 Orient Avenue

a. Street Address

Arlington

b. City/Town

02476

c. Zip Code

Latitude and Longitude:

42.430280 N

d. Latitude

-71.181610 W

e. Longitude

Assessor's Parcel ID: 110-1

f. Assessors Map/Plat Number

5

g. Parcel /Lot Number

2. Applicant:

Elizabeth

a. First Name

Stanton

b. Last Name

Property Owner

c. Organization

55 Orient Avenue

d. Street Address

Arlington

e. City/Town

MA

f. State

02474

g. Zip Code

N/A

h. Phone Number

N/A

i. Fax Number

stantonae88@gmail.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Richard

a. First Name

Kirby

b. Last Name

LEC Environmental Consultants, Inc.

c. Company

380 Lowell Street, Suite 101

d. Street Address

Wakefield

e. City/Town

MA

f. State

01880

g. Zip Code

781-245-2500

h. Phone Number

781-245-6677

i. Fax Number

rkirby@lecenvironmental.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110.00

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

A. General Information (continued)

6. General Project Description:

The Applicant proposes to construct an addition to a single-family dwelling and reconstruct wooden deck stairs within the outer portion of the Buffer Zone to BVW, and roughly 23 feet from a stormwater ditch that may be jurisdictional under the Town of Arlington Wetlands Protection Bylaw. Erosion controls and enhancement plantings are proposed.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex

a. County

75608

c. Book

N/A

b. Certificate # (if registered land)

343

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☒ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw

Provided by MassDEP:

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW _____

b. square feet of Salt Marsh _____

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings _____

b. number of replacement stream crossings _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw

Provided by MassDEP:

MassDEP File Number

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City/Town

C. Other Applicable Standards and Requirements

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

2017

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/mas-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw

Provided by MassDEP:

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C. Other Applicable Standards and Requirements (cont'd)

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. ☒ Not applicable – project is in inland resource area [Buffer Zone] only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. ☐ Is this an aquaculture project? d. ☐ Yes ☒ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2. ☐ A portion of the site constitutes redevelopment
3. ☐ Proprietary BMPs are included in the Stormwater Management System.
b. ☒ No. Check why the project is exempt:
1. ☒ Single-family house
2. ☐ Emergency road repair
3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☐ List the titles and dates for all plans and other materials submitted with this NOI.

Conservation Plan

a. Plan Title

Rober Survey

Scott Lynch, PLS

b. Prepared By

c. Signed and Stamped by

Dated January 15, 2021

1" = 30'

d. Final Revision Date

e. Scale

N/A

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

281

4-19-2021

2. Municipal Check Number

3. Check date

280

4-19-2021

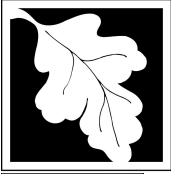
4. State Check Number

5. Check date

Elizabeth A. Stanton

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Town of Arlington Wetlands Protection Bylaw (Article 8)

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Arlington

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

[Signature]

1. Signature of Applicant

4/19/2021

2. Date

3. Signature of Property Owner (if different)

[Signature]

4. Date

April 15, 2021

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

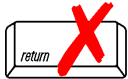
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

55 Orient Avenue

a. Street Address

280

c. Check number

Arlington

b. City/Town

\$42.50

d. Fee amount

2. Applicant Mailing Address:

Elizabeth

a. First Name

Property Owner

c. Organization

55 Orient Avenue

d. Mailing Address

Arlington

e. City/Town

MA

f. State

02474

g. Zip Code

h. Phone Number

N/A

i. Fax Number

stantonae88@gmail.com

j. Email Address

3. Property Owner (if different):

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1a: Work associated with a single-family dwelling	1	\$110.00	\$110.00
Step 5/Total Project Fee:			\$110.00

Total Project Fee:	<u>\$110.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$42.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$67.50</u>
	c. 1/2 Total Fee plus \$12.50

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

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Bylaw Filing Fees and Transmittal Form

Rules:

1. Fees are payable at the time of filing the application and are non-refundable.
2. Fees shall be calculated per schedule below.
3. Town, County, State, and Federal Projects are exempt from fees.
4. These fees are in addition to the fees paid under M.G.L. Ch. 131, s.40 (ACT).

Fee Schedule (ACC approved 1/8/15):

\$	No./Area	Category
		(R1) RDA - \$150 local fee, no state fee
\$200.00	1	(N1) Minor Project - \$200 (house addition, tennis court, swimming pool, utility work, work in/on/or affecting any body of water, wetland or floodplain).
		(N2) Single Family Dwelling - \$600
		(N3) Multiple Dwelling Structures - \$600 + \$100 per unit all or part of which lies within 100 feet of wetlands or within land subject to flooding.
		(N4) Commercial, Industrial, and Institutional Projects - \$800 + 50¢/s.f. wetland disturbed; 2¢/s.f. land subject to flooding or buffer zone disturbed.
		(N5) Subdivisions - \$600 + \$4/l.f. feet of roadway sideline within 100 ft. of wetlands or within land subject to flooding.
		(N6) Other Fees - copies, printouts; per public records law
		(N7) Minor Project Change - \$50
		(N8) Work on Docks, Piers, Revetments, Dikes, etc - \$4 per linear foot
		(N9) Resource Boundary Delineation (ANRAD) - \$1 per linear foot
		(N10) Certificate of Compliance (COC or PCOC) - No charge if before expiration of Order, \$200 if after that date.
		(N11) Amendments - \$300 or 50% of original local filing fee, whichever is less.
		(N12) Extensions -
		a. Single family dwelling or minor project - \$100.
		b. Other - \$150.
		(N13) Consultant Fee -per estimate from consultant
\$200.00	TOTAL	

Note: Submit this form along with the forms submitted for the ACT - the "Wetlands Filing Fee Calculations Worksheet," and the "Notice of Intent Fee Transmittal Form."

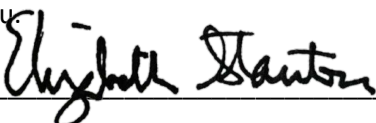
Legal Notice Charge Authorization

DATE:

TO: legals@wickedlocal.com

I hereby authorize Community Newspapers to bill me directly for the legal notice to be published in the
Arlington Advocate newspaper on _____ for a public hearing with the Arlington
Conservation Commission to review a project at the following location:
55 Orient Ave., Arlington MA

Thank you

Signed: 

Send bill to:

55 Orient Ave. (Address)


AFFIDAVIT OF SERVICE

Under the
Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40),
its implementing *Regulations* (310 CMR 10.00),
and the
the *Town of Arlington Wetlands Protection Bylaw*

I, Sharon A. Sullivan, on behalf of Elizabeth Stanton, hereby certify under the pains and penalties of perjury that on April 22, 2021 I gave notification to abutters in compliance with the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Arlington Wetlands Protection Bylaw* in connection with the following matter:

A Notice of Intent Application filed under the *Massachusetts Wetlands Protection Act* and the *Town of Arlington Wetlands Protection Bylaw* by LEC Environmental Consultants, Inc. on behalf of the Applicant, Elizabeth Stanton, with the Town of Arlington Conservation Commission on April 22, 2021 for property located at 55 Orient Avenue (Assessor's Parcel ID: 110-1-5) in Arlington, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.


Sharon A. Sullivan
Permitting Technician

4/22/2021
Date

April 22, 2021

CERTIFIED MAIL

«Name»

«Name2»

«Address»

«City», «State» «Zip»

**Re: Notice of Intent Application
55 Orient Avenue
Assessor's Parcel ID: 110-1-5
Arlington, Massachusetts**

[LEC File #: StaL\21-050.02]

Dear Abutter:

On behalf of the Applicant, Elizabeth Stanton, LEC Environmental Consultants, Inc. (LEC) has filed a Notice of Intent Application with the Arlington Conservation Commission to construct an addition to a single-family dwelling and reconstruct deck stairs at the above-referenced site. Portions of the proposed activities are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands jurisdictional under the *Massachusetts Wetlands Protection Act* (the *Act*, M.G.L. c. 131, s. 40) and its implementing *Regulations* (the *Act Regulations*, 310 CMR 10.00), and the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*) and its *Regulations Pursuant to the Town of Arlington Regulations for Wetlands Protection* (the *Bylaw Regulations*).

The Notice of Intent Application and accompanying plans are available for review by contacting the Arlington Conservation Commission. The Public Hearing will be held on May 6, 2021 beginning at 7:30 p.m., in accordance with the provisions of the *Act*, *Regulations*, *Bylaw*, and *Bylaw Regulations*. Further information regarding this application will be published at least five (5) days in advance in *The Arlington Advocate*. Notice of the Public Hearing will also be posted at the Arlington Town Hall at least 48 hours in advance.

Due to Governor Baker's Covid-19 State of Emergency and further direction from the CDC, the Governor has suspended certain provisions of the Massachusetts Open Meeting Law. Please check the Town/Conservation Commission website for information relative to remote viewing and/or participation in the public hearing process.

Please do not hesitate to review the materials and/or attend the public hearing should you have questions or concerns about the proposed project.

Sincerely,

LEC Environmental Consultants, Inc.



Richard A. Kirby
Senior Wetland Scientist

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508.746.9491

380 Lowell Street
Suite 101
Wakefield, MA 01880
781.245.2500

100 Grove Street
Suite 302
Worcester, MA 01605
508.753.3077

P.O. Box 590
Rindge, NH 03461
603.899.6726

680 Warren Avenue
Suite 3
East Providence, RI 02914
401.685.3109 **146 of 181**

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI

Notification to Abutters Under the
Massachusetts Wetlands Protection Act
and the
Town of Arlington Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and the Town of Arlington Wetlands Protection Bylaw, you are hereby notified of the following:

- A. The name of the Applicant is Elizabeth Stanton, 55 Orient Avenue, Arlington, Massachusetts.
- B. The Applicant has filed a Notice of Intent Application with the Conservation Commission for the municipality of Arlington, Massachusetts seeking permission to remove, fill, dredge or alter an Area Subject to Protection under Wetlands Protection Act (General Laws Chapter 131, Section 40) and the Town of Arlington Wetlands Protection Bylaw.
- C. The activity is proposed on a lot located at 55 Orient Avenue (Assessor's Parcel ID: 110-1-5), Arlington, Massachusetts.
- D. Copies of the Notice of Intent Application may be examined by contacting the Arlington Conservation Commission at (781) 316-3012.

For more information, call: LEC Environmental Consultants, Inc. (the applicant's representative) at (781) 245-2500.

- E. Copies of the Notice of Intent Application may be obtained from LEC Environmental Consultants, Inc. (the applicant's representative) by calling (781) 245-2500 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A fee may be charged for each copy requested.
- F. Information regarding the public hearing may be obtained from the Arlington Conservation Commission (the regulatory agency) by calling (781) 316-3012.

NOTE: Notice of the Public Hearing, including its date, time, and place, will be published at least five (5) days in advance in The Arlington Advocate.

NOTE: Notice of the public hearing will also be posted at the Arlington Town Hall not less than 48 hours in advance.

NOTE: You also may contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

Northeast Region: 978-694-3200



Office of the
Board of Assessors
Robbins Memorial Town Hall
Arlington, MA 02476
(781) 316-3050
Assessors@town.arlington.ma.us

Abutters List

Date: April 15, 2021

Subject Property Address: 55 ORIENT AVE Arlington, MA
Subject Property ID: 110-1-5

Search Distance: 100 Feet
CONSERVATION

The Board of Assessors certifies the names and addresses of requested parties in interest, all abutters within 100 feet of the property lines, of subject property.

Kevin S. Frealy
Robert E. Greeley
[Signature]

Board of Assessors

Abutters List

Date: April 15, 2021

Subject Property Address: 55 ORIENT AVE Arlington, MA
Subject Property ID: 110-1-5

Search Distance: 100 Feet
Conservation

Prop ID: 110-1-19.A
Prop Location: 0-LOT SUMMER ST Arlington, MA
Owner: SERINO CHRISTOPHER
Co-Owner: SOUTHARD KELLEY ANNE
Mailing Address:
648 SUMMER ST
ARLINGTON, MA 02474

Prop ID: 110-1-5
Prop Location: 55 ORIENT AVE Arlington, MA
Owner: STANTON ELIZABETH ANNE
Co-Owner:
Mailing Address:
55 ORIENT AVE
ARLINGTON, MA 02474

Prop ID: 110-1-6
Prop Location: 0-LOT SUMMER ST Arlington, MA
Owner: STANTON ELIZABETH ANNE
Co-Owner:
Mailing Address:
55 ORIENT AVE
ARLINGTON, MA 02474

Prop ID: 110-1-7
Prop Location: 59 ORIENT AVE Arlington, MA
Owner: KENNEY MARGARET T/LIFE ESTATE
Co-Owner:
Mailing Address:
59 ORIENT AVE
ARLINGTON, MA 02474

Prop ID: 110-1-9.A
Prop Location: 63 ORIENT AVE UNIT 1 Arlington, MA
Owner: BOCCUTI A. DAVID
Co-Owner: MC TIERNAN PATRICIA A
Mailing Address:
63 ORIENT AVE
ARLINGTON, MA 02474

Prop ID: 110-1-9.B
Prop Location: 65 ORIENT AVE UNIT 2 Arlington, MA
Owner: MOLINA AUDREY
Co-Owner:
Mailing Address:
65 ORIENT AVENUE
ARLINGTON, MA 02474

Prop ID: 110-3-1.A
Prop Location: 115 WESTMORELAND AVE Arlington, MA
Owner: CONSILVIO EDWARD & MARCIA
Co-Owner:
Mailing Address:
115 WESTMORELAND AVE
ARLINGTON, MA 02474

Prop ID: 110-3-1.B
Prop Location: 111 WESTMORELAND AVE Arlington, MA
Owner: TILLMANNS REGINE
Co-Owner:
Mailing Address:
111 WESTMORELAND AVENUE
ARLINGTON, MA 02474

Prop ID: 110.A-1-43
Prop Location: 43 ORIENT AVE UNIT 43 Arlington, MA
Owner: PROTHMAN CHRISTIAN K
Co-Owner:
Mailing Address:
43 ORIENT AVE UNIT 43
ARLINGTON, MA 02476

Prop ID: 110.A-1-45
Prop Location: 45 ORIENT AVE UNIT 45 Arlington, MA
Owner: CHEN XIAOLI
Co-Owner:
Mailing Address:
45 ORIENT AVE
ARLINGTON, MA 02474

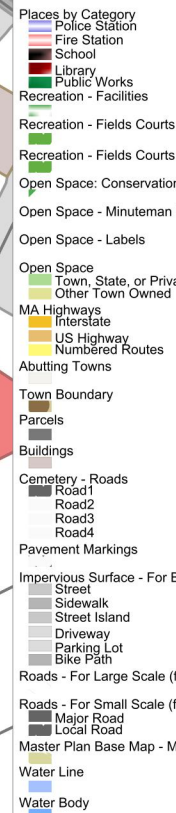
Prop ID: 110.A-1-49
Prop Location: 49 ORIENT AVE UNIT 49 Arlington, MA
Owner: SMITH CORI
Co-Owner:
Mailing Address:
49 ORIENT AVE
ARLINGTON, MA 02474

Prop ID: 110.A-1-51
Prop Location: 51 ORIENT AVE UNIT 51 Arlington, MA
Owner: BROWN JENNIFER L
Co-Owner:
Mailing Address:
51 ORIENT AVE
ARLINGTON, MA 02474

Prop ID: 84-4-1
Prop Location: 56 ORIENT AVE Arlington, MA
Owner: PALMER LEE ERICA
Co-Owner:
Mailing Address:
56 ORIENT AVE
ARLINGTON, MA 02474

Prop ID: 84-4-2
Prop Location: 52 ORIENT AVE Arlington, MA
Owner: BRENNER JODY A & KURT G
Co-Owner:
Mailing Address:
52 ORIENT AVE
ARLINGTON, MA 02474

Prop ID: 84-4-3
Prop Location: 46 ORIENT AVE Arlington, MA
Owner: MCINNIS SHERRI
Co-Owner:
Mailing Address:
46 ORIENT AVENUE
ARLINGTON, MA 02474



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



**Notice of Intent Application
& Wetland Resource Area Analysis**

55 Orient Avenue
Assessor's Parcel ID: 110-1-5
Arlington, Massachusetts

April 22, 2021

1. Introduction

On behalf of the Applicant and Property Owner, Elizabeth Stanton, LEC Environmental Consultants, Inc., (LEC) is filing the enclosed Notice of Intent (NOI) Application and Wetland Resource Area Analysis with the Arlington Conservation Commission to construct an addition to a single-family dwelling, and reconstruct existing deck stairs at 55 Orient Avenue in Arlington, Massachusetts. Portions of the proposed activities are located within the outer portion of the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW), as jurisdictional under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40, the *Act*) and its implementing Regulations (310 CMR 10.00, the *Act Regulations*), and the *Town of Arlington Wetlands Protection Bylaw* (Article 8, the *Bylaw*) and its *Regulations Pursuant to the Town of Arlington Regulations for Wetlands Protection* (the *Bylaw Regulations*). The project is also located roughly 23 feet from a drainage ditch that may be jurisdictional under the *Bylaw* only.

As part of this filing, the Applicant proposes to implement mitigation measures, including the installation of erosion controls and native enhancement plantings. Rober Survey has prepared the enclosed *Conservation Plan* dated January 15, 2021 (Appendix C, including enlargement of work area) showing existing and proposed conditions. Appendix C contains site photographs.

2. General Site Description

The Applicant owns two abutting properties totaling 21,911± square feet located south of Route 2A (Summer Street) and McClennan Park and north of Lowell Street, within the northwestern portion of Arlington, Massachusetts (Appendix A, Figures 1 and 3). Work is proposed on the smaller of the two lots with frontage on Orient Avenue. Residential development associated with Orient Avenue surrounds the property to the north, south, and west, while forested uplands and an emergent marsh occur to the east.

The site contains a three-story, single-family dwelling within the western portion of the site, including a walk-out basement and first story sunroom off the rear of the dwelling supported by footings. A brick paver parking area occurs northwest of the dwelling adjacent to Orient Avenue, and a wooden deck and stairs occurs off the northwestern portion of the dwelling. Lawn and landscaped land generally surround the dwelling and site appurtenances. A drainage ditch originating from a plastic pipe occurs along the

northern property boundary. The pipe appears to originate from catch basin located along Orient Avenue. Site topography descends easterly through the site with an elevation gradient of roughly 38 feet from Orient Avenue to the wetland boundary.

Forested uplands north of the lawn area contain a canopy of Norway maple (*Acer platanoides*), with scattered patches of American elm (*Ulmus americana*) and ash (*Fraxinus* sp.). The understory contains patches of multiflora rose (*Rosa multiflora*) and Tartarian honeysuckle (*Lonicera tartarica*), with individuals of Canada yew (*Taxus canadensis*), sapling black cherry (*Prunus serotina*), and entanglements of Oriental bittersweet (*Celastrus orbiculatus*) and grape (*Vitis* sp.). The groundcover contains scattered patches of garlic mustard (*Alliaria petiolata*).

LEC inspected soil conditions within the forested uplands adjacent to the BVW boundary and observed a >12" historic, fine sandy loam fill layer (C Horizon) over native wetland soils described below in Section 4.1. No redoximorphic features or other hydrologic features were observed within the C Horizon (e.g. the 'upper part' of the soil column), and the soil profile does not qualify as 'hydric' according to the *Field Indicators Guide for Identifying Hydric Soils in New England* (Version 4, 2019).

2.1 Natural Heritage and Endangered Species Program Designation

According to the 14th edition of the Massachusetts Natural Heritage Atlas (2017) published by the Natural Heritage & Endangered Species Program (NHESP), no areas of Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species occurs within or near the site (Appendix A, Figure 3).

2.2 Floodplain Designation

According to the June 4, 2010 *Federal Emergency Management Agency Flood Insurance Rate Map* for Middlesex County, Massachusetts (Map No: 25017C0416E), the property is located within Zone X (unshaded): *Areas determined to be outside the 0.2% Annual Chance Floodplain.*

3. Wetland Boundary Determination Methodology

LEC conducted site evaluations on February 10 and March 9, 2021 to characterize existing protectable Wetland Resource Areas located on or immediately adjacent to the site, and to delineate the Bordering Vegetated Wetland (BVW) boundary and ditch centerline as depicted on the *Plan*. The extent of Wetland Resource Areas was

determined through observations of existing plant communities, edaphic conditions, and hydrologic indicators in accordance with the *Act*, its implementing *Regulations*, and the *Bylaw* and *Bylaw Regulations*.

Based on these methods, LEC determined that a BVW occurs along the base of the topographic slope descending through the site. LEC delineated the BVW boundary with sequentially numbered, blaze orange surveyor's tape with the words "LEC Resource Area" printed in black. LEC orange flagging stations 1 through 6 demarcate the BVW boundary as depicted (labeled as 101 through 106) on the *Plan*.

LEC discussed the jurisdiction of the drainage ditch with the Conservation Commission during a March 4, 2021 Public Meeting, when additional information was requested, including the soil profile data for the ditch, which is discussed further and provided below. The drainage ditch centerline was established with sequentially-numbered safety blue surveyors' tape labelled 1 through 5 as depicted on the *Plan*.

4. Wetland Resource Areas

Wetland Resource Areas associated with the site are limited to Bordering Vegetated Wetlands (BVW). LEC has determined that the drainage ditch is not jurisdictional based on the lack of hydric soils within the ditch as further detailed below. The 100-foot Buffer Zone extends onto the property from the BVW boundary.

4.1 Bordering Vegetated Wetlands

BVW is defined at 310 CMR 10.55(2) as: *freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes...Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants...The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.*

According to the *Bylaw Regulations* [Section 21 B. (1) and (2)], Vegetated Wetlands *are freshwater wetlands, including both bordering vegetated wetlands (i.e., bordering on freshwater bodies such as on creeks, rivers, streams, ponds and lakes), and isolated vegetated wetlands which do not border on any permanent water body. The types of freshwater wetlands are wet meadows, marshes, swamps, bogs and vernal pools. Vegetated Wetlands are areas where soils are saturated and/or inundated such that they*

support a predominance of wetland indicator plants. The ground water and surface water hydrological regime, soils and the vegetational community which occur in each type of freshwater wetlands, including both bordering and isolated vegetated wetlands, are defined under the Bylaw based on G.L. c. 131, § 40. (2) The boundary of Vegetated Wetland, whether Bordering or Isolated, is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants shall include but not necessarily be limited to those plant species identified in the Act.

An emergent marsh occurs near the base of the topographic slope descending though the site, and is dominated by common reed (*Phragmites* sp.). LEC also observed patches of purple loosestrife (*Lythrum salicaria*), sensitive fern (*Onoclea sensibilis*), jewelweed (*Impatiens capensis*), and entanglements of grape.

LEC inspected soils within the BVW using a hand-held, Dutch-style auger and observed a <12" historic, fine sandy loam fill soil layer (same color as that observed within the adjacent upland) over a mucky fine sandy loam topsoil (A Horizon) with a soil matrix color of 10YR 2/1. This soil profile meets the Dark Surface (A2.) indicator for a hydric soil in accordance with the *Field Indicators Guide*.

4.2

Drainage Ditch

As discussed above in Section 2 and during the March 4, 2021 Public Meeting, a drainage ditch extends along the northern property boundary from a plastic pipe outlet to the emergent marsh. The ditch appears to only discharge stormwater runoff from a catch basin located along Orient Avenue, which was installed by the abutting property owner to alleviate street flooding some decades ago. Since the ditch does not flow from or between Wetland Resource Areas, and since the ditch itself does not contain a predominantly wetland plant community and hydric soils, LEC has determined that the drainage ditch is not jurisdictional under the *Act* and the *Bylaw*. During the March 4, 2021 Public Meeting, the Commission requested that LEC evaluate soil conditions within the ditch along its length between the drainage pipe outlet and the BVW. LEC conducted a site evaluation on March 9, 2021 to evaluate soil conditions at three locations within the ditch. The soil profile data results are provided below. None of the soil profiles observed within the ditch qualify as 'hydric' according to the *Field Indicators Guide*.

Test Hole 1 (near LEC flag 1):

A Horizon: 0-16" 2.5Y 3/1; gravelly loamy sand; no redoximorphic features observed
R (Refusal) at 16"

Test Hole 2 (between LEC flags 2 and 3):

A Horizon: 0-11" 2.5Y 3/1; gravelly loamy sand; no redoximorphic features observed

B_w Horizon: 11-16+" 10YR 3/6 fine sandy loam; no redoximorphic features observed

Test Hole 3 (between LEC flags 3 and 4):

C Horizon: 0-16" 2.5Y 3/1; gravelly loamy sand; no redoximorphic features observed

A_b Horizon: (Buried Subsoil) at 16-20+" 10YR 2/1 mucky fine sandy loam

Site photographs, including those submitted for discussion at the March 4, 2021 Public Meeting and of the soil profiles observed within the drainage ditch, are included in Appendix C.

5. Proposed Activities

The Applicant proposes to demolish the sunroom and concrete deck stairs located off the rear of the dwelling and construct a two-story addition in its place. The proposed addition will be constructed atop a frost-wall foundation and measure 17 feet in width (the same as the existing sunroom) and extend 14 feet from the existing house foundation, or roughly 6 feet beyond the sunroom footprint. This expansion is largely located within existing lawn and the concrete steps to be removed, and measures roughly 95 feet from the BVW boundary at its closest point (at wetland flag #3), and roughly 31 feet from the drainage ditch pipe outlet. The project results in a roughly 100 square-foot increase in impervious area.

Since the existing concrete steps will be demolished to accommodate the proposed addition, new wooden steps are proposed to provide access from the deck to the backyard as depicted on the *Plan*. The proposed deck stairs measure roughly 95 feet from the BVW boundary at its closest point (at wetland flag #3) and roughly 23 feet from the drainage ditch pipe outlet.

6. Mitigation Measures

6.1 Erosion and Sedimentation Control

The Applicant proposes to install 12-inch compost filter tubes around the Limit-of-Work line behind the proposed addition to allow for equipment access during construction. Following construction, all areas of exposed soils will be returned to lawn or landscaped

land. All erosion control measures will remain in place until work is complete and all areas of exposed soils are stabilized with vegetation.

6.2

Native Plantings

In an effort to improve existing site conditions, and to contribute to climate change resiliency (commensurate with the scope of proposed work), the Applicant proposes to install native shrub plantings within the wooded uplands located north of the proposed development. Specifically, the Applicant will install 25 native shrubs from the following list, with at least 4 species represented, and a minimum of 5 plants per species installed. The native shrubs will improve wildlife habitat associated with the site, and promote a more native plant community. Further, and as stated in Sections 24 and 25 of the *Bylaw Regulations*, ‘vegetation controls flood and storm damage, thereby mitigating potential impacts of climate change’ (Section 24) and ‘Vegetated buffers...are necessary to provide wildlife habitat and to protect adjacent resource areas from continuing activities such as inputs of sediments and nutrients, to protect from direct human disturbance, to protect sensitive species from adverse impacts, and to protect adjacent resource areas from the adverse effects of climate change.’ (Section 25). Accordingly, these native plantings will contribute to climate resiliency.

Native Shrub Plantings (25 total):

Witch hazel (*Hamamelis virginiana*)
American hazelnut (*Corylus americana*)
Black chokeberry (*Aronia melanocarpa*)
Serviceberry (*Amelanchier canadensis*)
Great rhododendron (*Rhododendron maximum*)
Gray dogwood (*Cornus racemosa*)

7.

Regulatory Implications

The project conforms to the *Bylaw Regulations* standards for Climate Resiliency as further described below.

The *Bylaw Regulations* (Section 31) state that *B. The Applicant shall, to the extent practicable and applicable as determined solely by the Commission, integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future. These considerations are especially important in Land Subject to Flooding (floodplain) and*

Riverfront Area and other Resource Areas which protect the interest of Flood Control and Storm Damage Prevention, including Adjacent Upland Resource Areas. These Resource Areas may be directly impacted by extreme weather events expected to be more prevalent or more intense due to climate change, in surface runoff of pollutants, and in wildlife habitat due to changes in temperature. The Applicant shall consider the project's adaptation to potential climate change impacts by addressing the following:

(1) Describe project design considerations to limit storm and flood damage during extended periods of disruption and flooding as might be expected in extreme weather events. See Vegetative Wetlands Section 21, Land Subject to Flooding Section 23, and Adjacent Upland Resource Area Section 25, of these Regulations.

The Applicant has chosen to construct a modestly-sized, two-story addition to an existing dwelling, making use of an existing sunroom and concrete stairs as part of the proposed development. Accordingly, the project results in a roughly 100 square-foot increase in impervious surface. Further, the proposed addition is mostly outside the 100-foot Buffer Zone, with a small portion located roughly 95 feet from the BVW boundary at its closest point. No alteration to Vegetated Wetlands, naturally vegetated Buffer Zone, or Bordering Land Subject to Flooding is proposed.

(2) Describe project stormwater surface runoff, which may increase due to storm surges and extreme weather events, and how this will be managed / mitigated to prevent pollution (including nutrients from fertilizers, roadway runoff, etc.) from entering the resource area with consideration of eliminating impervious surfaces as feasible. See Stormwater Management Section 33 of these Regulations.

The proposed 100 square-foot increase in impervious area is significantly under the 350 square-foot threshold for Arlington's stormwater management requirements. Given the 95+ foot distance between the proposed addition and BVW, LEC does not anticipate any significant increase in stormwater run-off from the site. While there is a modestly sized lawn area north of the dwelling, the Applicant anticipates that the Order of Conditions will limit the use of fertilizers and pesticides which will reduce/eliminate a potential pollutant source from the site.

(3) Describe project vegetation / planting plans and other measures to improve the resiliency of the wildlife habitat of the resource area to withstand potential temperature and rainfall changes (drought and excess) due to climate change. See Vegetation Removal and Replacement Section 24 of these Regulations.

As described above in Section 6.2, the Applicant is committing to planting 25 native shrubs within the Buffer Zone, which will improve wildlife habitat and mitigate sediment and nutrients.

(4) Describe measures to protect proposed structures and minimize damage to structures due to the impacts of climate change.

Given that the existing dwelling and proposed addition are located roughly 20 feet higher in elevation compared to the adjacent wetland, and the site is not located within the FEMA Floodplain, damage to the structure from climate change impacts is unlikely.

8. Summary

On behalf of the Applicant, Elizabeth Stanton, LEC is filing this NOI Application with the Arlington Conservation Commission to construct an addition to an existing single-family dwelling, and to construct wooden deck stairs. While most of the proposed addition is located outside the 100-foot buffer Zone to BVW, a portion is located as close as 95 feet from the BVW boundary. The project will result in a roughly 100 square-foot increase in impervious surface – well below the 350 square-foot threshold for stormwater mitigation required by Arlington. Erosion controls are proposed to protect adjacent Wetland Resource Areas during construction, and native shrub plantings are proposed improve site conditions and promote climate resiliency. The site includes a drainage ditch that LEC has determined is not jurisdictional under the *Act* or *Bylaw*. No other resource area or Buffer Zone alteration is proposed. The project meets the performance standards enumerated in the *Act*, the *Act Regulations*, the *Bylaw* and *Bylaw Regulations* and the Applicant requests that the Commission issue an Order of Conditions approving the project as proposed herein.

Massachusetts Wetlands Protection Act (M.G.L. c. 131, §. 40)

Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00)

Massachusetts Natural Heritage and Endangered Species Program Atlas of Estimated Habitat of State-listed Rare Wetlands Wildlife. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries & Wildlife, Route 135, Westborough, MA 01581, www.state.ma.us/dfwele/dfw

Massachusetts Department of Environmental Protection, Division of Wetlands and Waterways 1995. *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act, A Handbook*. 89 pp.

National Flood Insurance Program, Federal Emergency Management Agency Flood Insurance Rate Map, Middlesex County, Massachusetts, Middlesex County, June 4, 2010.

New England Hydric Soils Technical Committee. June 2018, 4th ed., *Field Indicators for Identifying Hydric Soils in New England*

Reed, P.B. 1988. *National List of Plant Species that Occur in Wetlands: 1988 Massachusetts*. U.S. Department of the Interior, Fish and Wildlife Service. NERC-88/18.21

Town of Arlington, Massachusetts. Arlington Conservation Commission. *Town of Arlington Wetlands Protection Bylaw* (Article 8).

Town of Arlington, Massachusetts. Arlington Conservation Commission. *Regulations Pursuant to the Town of Arlington Regulations for Wetlands Protection*, March 1, 2018.

Appendix A

Locus Maps

Figure 1: USGS Topographic Quadrangle

Figure 2: FEMA Flood Insurance Rate Map

Figure 3: MassGIS Orthophoto & NHESP Estimated Habitat Map

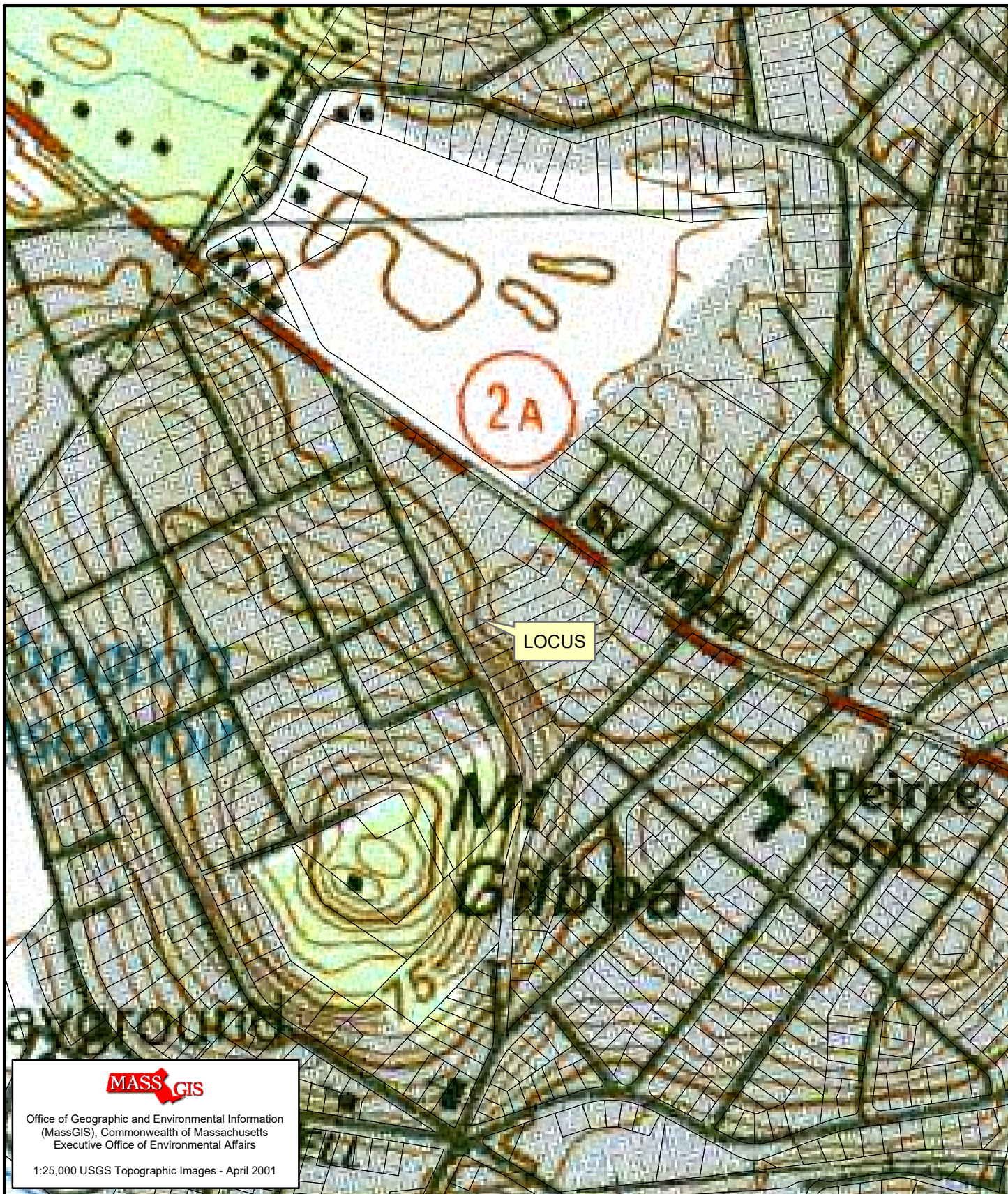
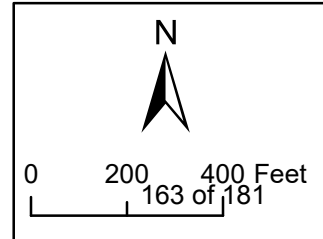


Figure 1: USGS Topographic Map
55 Orient Avenue
Arlington, MA

April 14, 2021



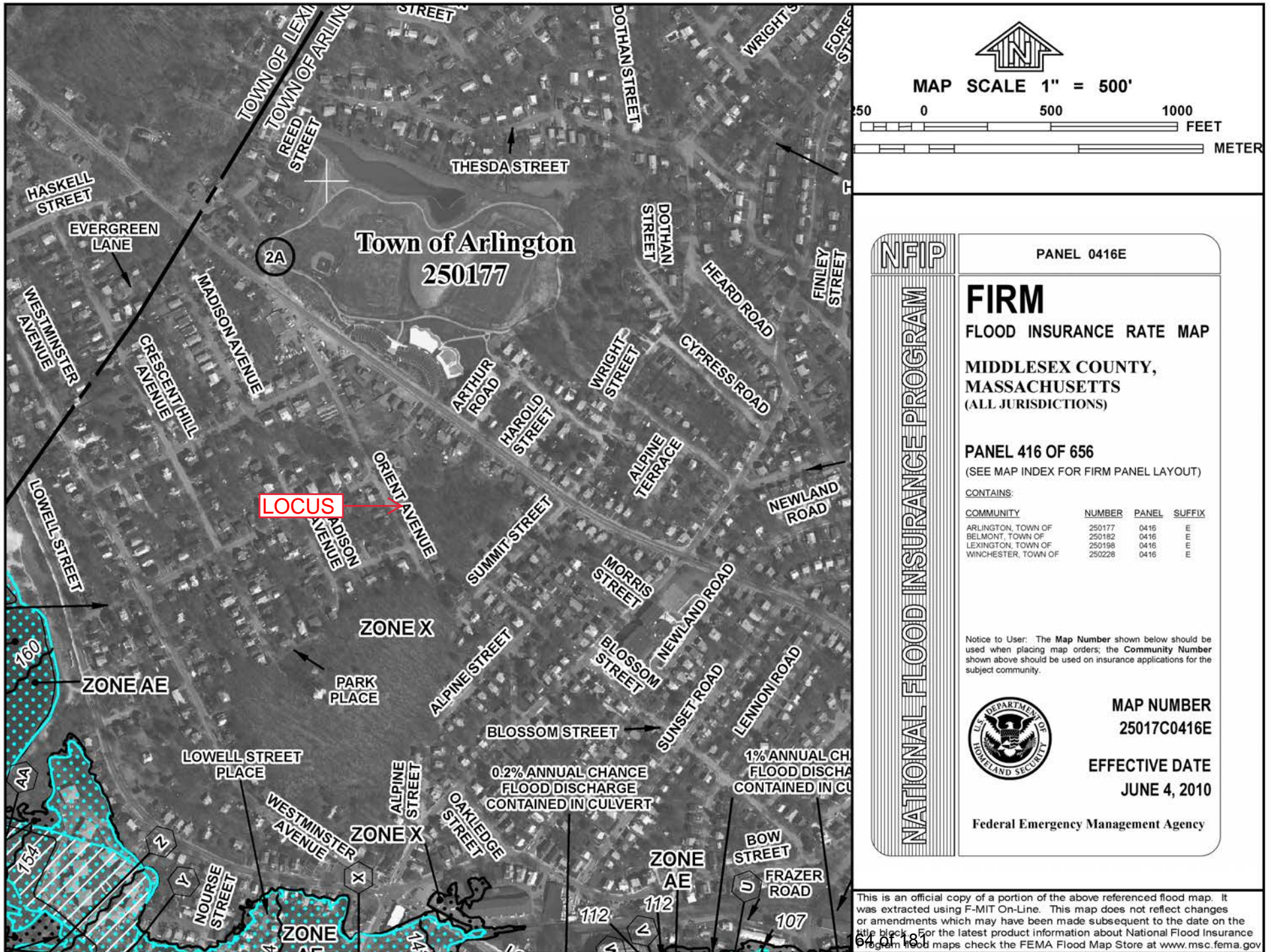


Figure 2: FEMA Flood Insurance Rate Map

LEGEND



SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.



FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.



ZONE X

OTHER FLOOD AREAS

Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.



ZONE X

OTHER AREAS

Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D

Areas in which flood hazards are undetermined, but possible.



COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS



OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.



1% annual chance floodplain boundary



0.2% annual chance floodplain boundary



Floodway boundary



Zone D boundary



CBRS and OPA boundary



Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.



Base Flood Elevation line and value; elevation in feet*

(EL 987)

Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988



Cross section line



Transect line

87°07'45", 32°22'30"

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

2476000mN

1000-meter Universal Transverse Mercator grid values, zone 19

600000 FT

5000-foot grid values: Massachusetts State Plane coordinate system, Mainland zone (FIPZONE 2001), Lambert Conformal Conic projection

DX5510 x

Bench mark (see explanation in Notes to Users section of this FIRM panel)

● M1.5

River Mile

MAP REPOSITORY

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP

June 4, 2010

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL



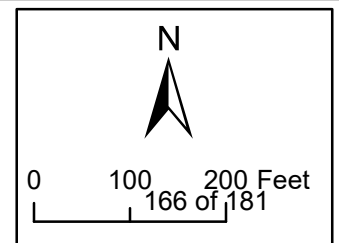
Environmental Consultants, Inc.

Wakefield, MA
781.245.2500

www.lecenvironmental.com

Figure 3: MassGIS Orthophoto & NHESP Map
55 Orient Avenue
Arlington, MA

April 14, 2021



Appendix B

Site Photographs

55 Orient Avenue Site Photographs:



2/10/2021: Easterly views of drain inlet adjacent to Orient Avenue.



55 Orient Avenue Site Photographs:



3/1/2021: Easterly view of drain pipe outlet on adjacent lot along northern property boundary.

55 Orient Avenue Site Photographs:



3/1/2021: Easterly view of drain pipe outlet (zoomed).

55 Orient Avenue Site Photographs:



3/1/2021: Westerly view of drain pipe outlet.

55 Orient Avenue Site Photographs:



3/1/2021: Westerly view of drain pipe outlet (zoomed).

55 Orient Avenue Site Photographs:



3/1/2021: Westerly view of drainage ditch.

55 Orient Avenue Site Photographs:



3/1/2021: Easterly view of drainage ditch.

55 Orient Avenue Site Photographs:



3/1/2021: Easterly view of drainage ditch with Phragmites swamp in background.

55 Orient Avenue Site Photographs:



3/9/2021: Test Hole #1.

55 Orient Avenue Site Photographs:



3/9/2021: Test Hole #2.

55 Orient Avenue Site Photographs:



3/9/2021: Test Hole #3.

Appendix C

Conservation Plan dated January 15, 2021 prepared by Rober Survey
Enlargement of Proposed Work Area

SUMMER STREET

N 54°42'42" W
23.12'
S 33°46'47" W
126.56' (R=127.00')

LOT 3
N/F
ELNA CARLSON

LOT 1
N/F
MARY DE NAPOLI

LOT 3
N/F
49-51 ORIENT AVE CONDOMINIUM

LOTS 5, 5 & 5A
21,911± S.F.

LOTS 5 & 6
N/F
MARY COVIELLO

EROSION CONTROL
BARRIER, 12" COMPOST
FILTER TUBES

PROPOSED
ADDITION

EXISTING
1 STORY
(NO FOUNDATION)

8" PVC PIPE

DECK

3 STORY

#55

100' BUFFER

14.0'

6.9'

50.00'

S 26°23'20" E

ORIENT AVENUE

WITHIN 100' BUFFER

TOTAL BUFFER AREA	6,416± S.F.	
EXISTING IMPERVIOUS AREA	0± S.F.	0%
PROPOSED IMPERVIOUS AREA	50± S.F.	0.7%

NOTE: WETLAND BOUNDARY LINE DELINEATED BY LEC ENVIRONMENTAL, MARCH 2021.

I HEREBY CERTIFY THAT THE BUILDING IS
LOCATED AS SHOWN.



SCOTT LYNCH, PLS DATE

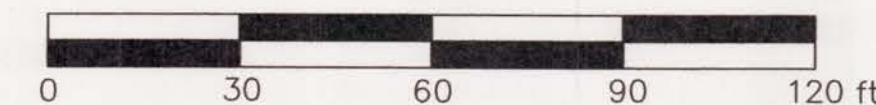
THIS PLAN MAY HAVE BEEN ALTERED IF
THE SIGNATURE IS NOT SIGNED IN BLUE.

OWNER: ELIZABETH STANTON

CONSERVATION PLAN

IN
ARLINGTON, MA
(MIDDLESEX COUNTY)

SCALE: 1"= 30' DATE: JANUARY 15, 2021

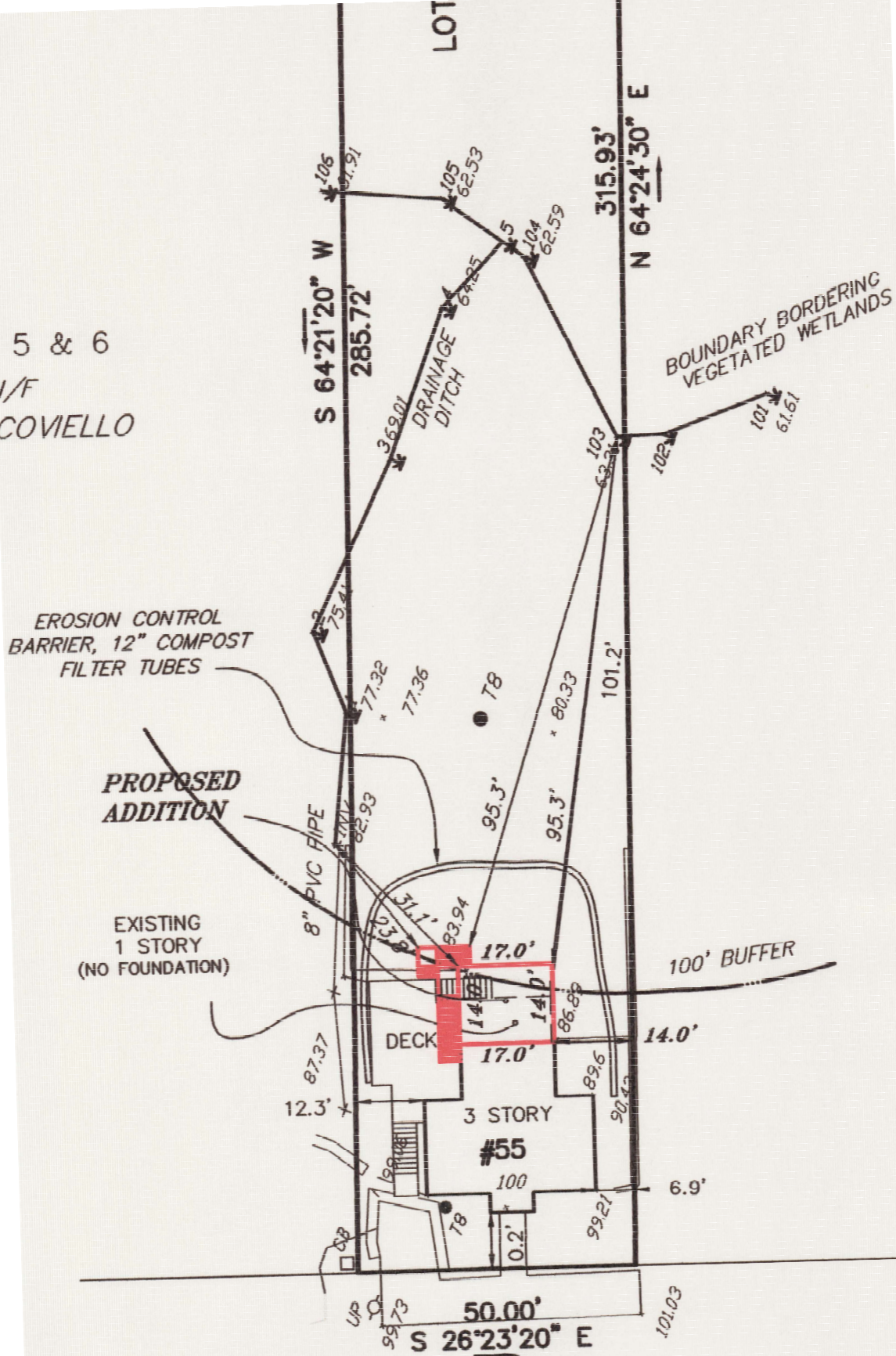


ROBER SURVEY

1072A MASSACHUSETTS AVENUE
ARLINGTON, MA 02476
(781) 648-5533

6356PP1.DWG

5 & 6
N/F
COVIELLO



ORIENT AVENUE

NOTE: WETLAND